



PLANNING COMMITTEE

Notice of a Meeting, to be held in the Council Chamber - Ashford Borough Council on Wednesday, 5th June, 2019 at 7.00 pm.

Proposed Members of the Planning Committee are:-

Cllrs. Blanford, Burgess, Chilton, Clarkson, Clokie, Dehnel, Harman, Heyes, Howard, Howard-Smith, Krause, Ovenden, Shorter, Smith, Spain, Sparks, Ward and Wright

If additional written material is to be submitted to the Planning Committee relating to any report on this Agenda, this must be concise and must be received by the Contact Officer specified at the end of the relevant report, and also copied to Planning.help@ashford.gov.uk, before 3pm on the day of the Meeting so that it can be included or summarised in the Update Report at the Meeting, otherwise the material will not be made available to the Committee. However, no guarantee can be given that all material submitted before 3pm will be made available or summarised to the Committee, therefore any such material should be submitted as above at the earliest opportunity and you should check that it has been received.

Agenda

Page Nos..

1. **Apologies/Substitutes**

To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii) and Appendix 4

2. **Declarations of Interest**

1 - 2

To declare any interests which fall under the following categories, as explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other interests

See Agenda Item 2 for further details

3. **Minutes**

To approve the Minutes of the Meeting of this Committee held on 17th April 2019

<https://ashford.moderngov.co.uk/documents/g3256/Public%20minutes%2017th-Apr-2019%2019.00%20Planning%20Committee.pdf?T=11>

4. **Requests for Deferral/Withdrawal**

Note to Members of the Committee: The cut-off time for the meeting will normally be at the conclusion of the item being considered at 10.30pm. However this is subject to an appropriate motion being passed following the conclusion of that item, as follows:

“To conclude the meeting and defer outstanding items of business to the start of the next scheduled Meeting of the Committee”.

5. **18/00056/AS**

3 - 74

Land between A2070 and Railway north of Warehorne Road, Hamstreet, Kent TN26 2JR - Outline planning application for residential development including details of pedestrian and vehicular accesses onto Warehorne Road and pedestrian and cycleway access onto Ashford Road only (all other matters reserved). Provision of informal recreation / ecological area to the north.

6. **19/00572/AS**

75 - 108

30 – 32 High Street, Wye, Ashford TN25 5AL - Change of use of 26 – 32 High Street to residential use to provide 6 dwellings, including demolition of flat roofed link attached to no. 32 demolition of single storey building and demolition of lecture theatre, and provision of landscaping and parking

7. **19/00075/AS**

109 - 122

30-32 High Street, Wye, Ashford , TN25 5AL - Change of use of 26 – 32 High Street to residential use to provide 6 dwellings, including demolition of flat roofed link attached to no. 32 demolition of single storey building and demolition of lecture theatre, and provision of landscaping and parking

8. **18/01592/AS**

123 - 158

Ashford Golf Complex, Bears Lane, Bethersden, Ashford, Kent, TN23 3BZ - Outline application for the erection of 10 no. dwellings to consider access, layout and landscaping (scale and appearance reserved)

Note for each Application:

- (a) Private representations (number of consultation letters sent/number of representations received)
- (b) The indication of the Parish Council's/Town Council's views
- (c) Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)

Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'

Note on Votes at Planning Committee Meetings:

At the end of the debate on an item, the Chairman will call for a vote. If more than one motion has been proposed and seconded, the motion that was seconded first will be voted on first. When a motion is carried, the Committee has made its determination in relation to that item of business and will move on to the next item on the agenda. If there are any other motions on the item which have not been voted on, those other motions fall away and will not be voted on.

If a motion to approve an application is lost, the application is not refused as a result. The only way for an application to be refused is for a motion for refusal to be carried in a vote. Equally, if a motion to refuse is lost, the application is not permitted. A motion for approval must be carried in order to permit an application.

DS

30 May 2019

Queries concerning this agenda? Please contact Rosie Reid Telephone: 01233 330565
Email: rosie.reid@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Corporate Director (Law and Governance) and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

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Agenda Item 5

Ashford Borough Council - Report of Head of Planning and Development
Planning Committee 5th June 2019

Application Number	18/00056/AS
Location	Land between A2070 and Railway north of Warehorne Road, Hamstreet, Kent TN26 2JR
Grid Reference	99790/33397
Parish Council	Warehorne
Ward	Weald South
Application Description	Outline planning application for residential development including details of pedestrian and vehicular accesses onto Warehorne Road and pedestrian and cycleway access onto Ashford Road only (all other matters reserved). Provision of informal recreation / ecological area to the north.
Applicant	Crabtree & Crabtree (Hamstreet) Ltd
Agent	Mr Steven Davies, Hobbs Parker Property Consultants, Romney House, Monument Way, Orbital Park, Ashford, Kent TN24 0HB
Site Area	6.2 hectares

- (a) 102/44R (2 petitions) (b) Warehorne - R Orlestone(adj) - R (c) KH&T – X; KCC ECO – X; SW – X, KCC SuDS – X; PO (Drainage) – X; KCCDC – X; KCC Heritage - X; NHS – X; ESM(EP) – X; SSoS – X; Kent Police – X; CPRE – R; ABC Housing – X; NE – X; EA – X; Network Rail – X; Ramblers -;

Introduction

1. This application is reported to the Planning Committee because it involves the erection of more than 9 dwellings and therefore is classified as a major development that requires determination by the Planning Committee under the scheme of delegation.

Site and Surroundings

2. The application site covers an area of approximately 6.2 hectares (developable area approx. 4.05 hectares) immediately to the north, and accessed from, Warehorne Road (B2067). The application site itself lies within both the parishes of Warehorne & Orlestone (the developed part of the site within the former). The site comprises two, largely flat, arable fields which are separated by a watercourse which runs north to south through the site. The site is slightly elevated to Warehorne Road and set down between the railway line to the east and the A2070 to the west. The site is largely enclosed by mature hedgerow and there are trees along the railway embankment with further trees dotted over the western field. There is a small wooded area which borders the site to the north with more substantial areas of woodland beyond this.
3. To the south lies Warehorne Road with the village of Hamstreet to the south east (approx. 350m away). To the west is the A2070 bypass road with a number of residential properties and open fields beyond this. To the north-east is Hamstreet Primary School and the railway station. A small scale sewage treatment plant lies to the east of the site. The site is well served by both public and private transport infrastructure.
4. There are no public rights of way (PROWs) that run through the site although there is a network of PROWs to the west of the A2070. There are no designated wildlife sites / nature reserves within the application site or immediately adjoining it. The Dungeness, Romney & Rye Bay SSSI lies approx. 270m to the south of the site and the Orlestone Forest Local Wildlife site / Nature Reserve approx. 360m to the west of the site with the Orlestone Forest SSSI beyond this. Immediately to the north of the site (adjacent to the area of open space) is the Stumbletree Wood Ancient Woodland. The land is also not in an area of known contamination (although there could be contamination as a result of its agricultural use) or archaeological interest / potential. The site is classified as Grade 3 agricultural land.
5. A small part of the site, along the eastern edge, falls within flood zone 3 and a slightly more extensive area, again to the east, is in flood zone 2. The site in the main falls within an area of ground water vulnerability.
6. The entire site currently forms countryside described as the Old Romney Shoreline in the Landscape Character Area Assessment. The key characteristics of this are:
 - Undulating landforms
 - Open views to the Romney Marsh

- Mixed land use
- Higher wooded ground to the west
- Numerous small settlements along the former shoreline
- Distinctive stone churches as prominent features

7. The landscape analysis states that the condition is good and sensitivity high with the guidelines to conserve. Detracting features are the A2070 and the railway line.

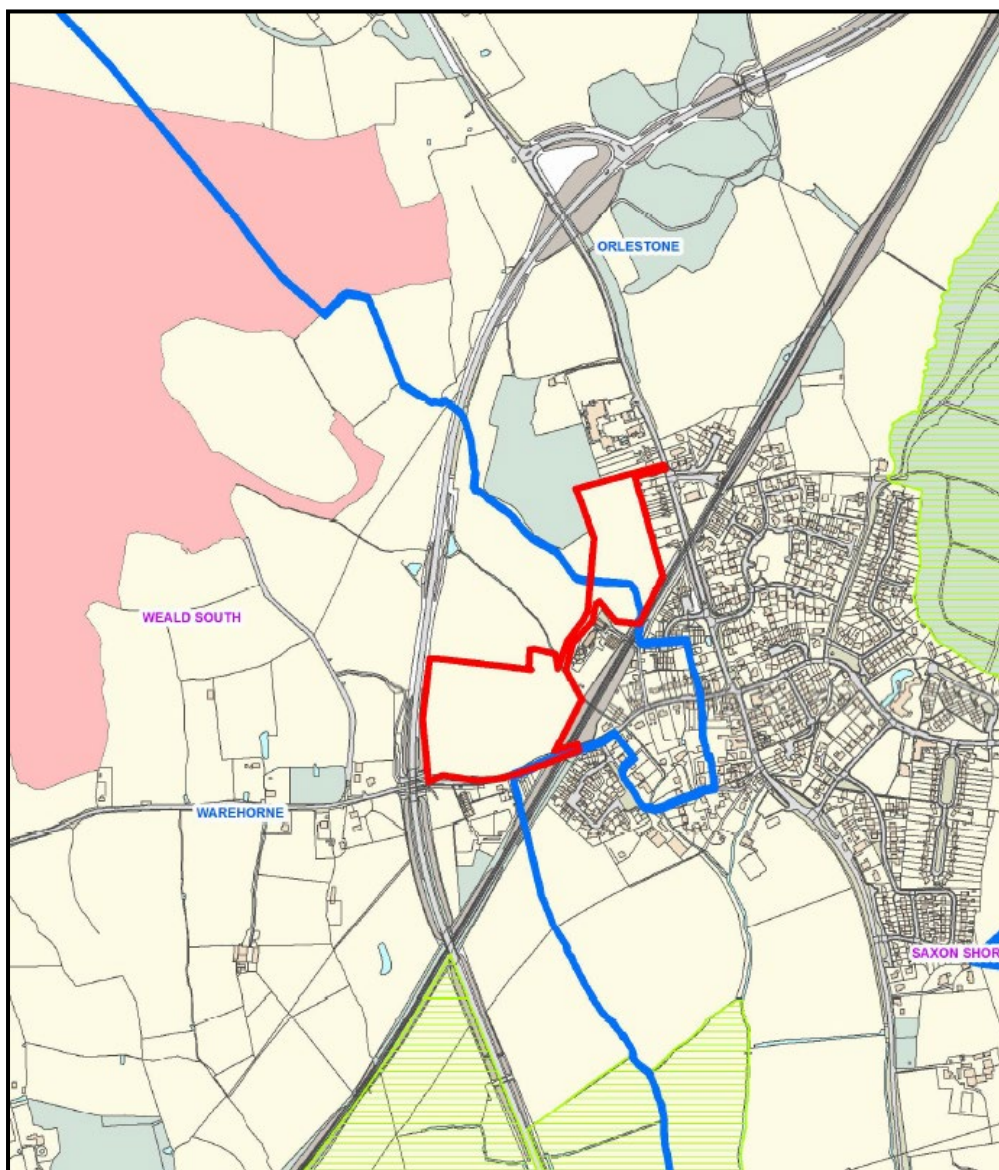


Figure 1 – Site location plan

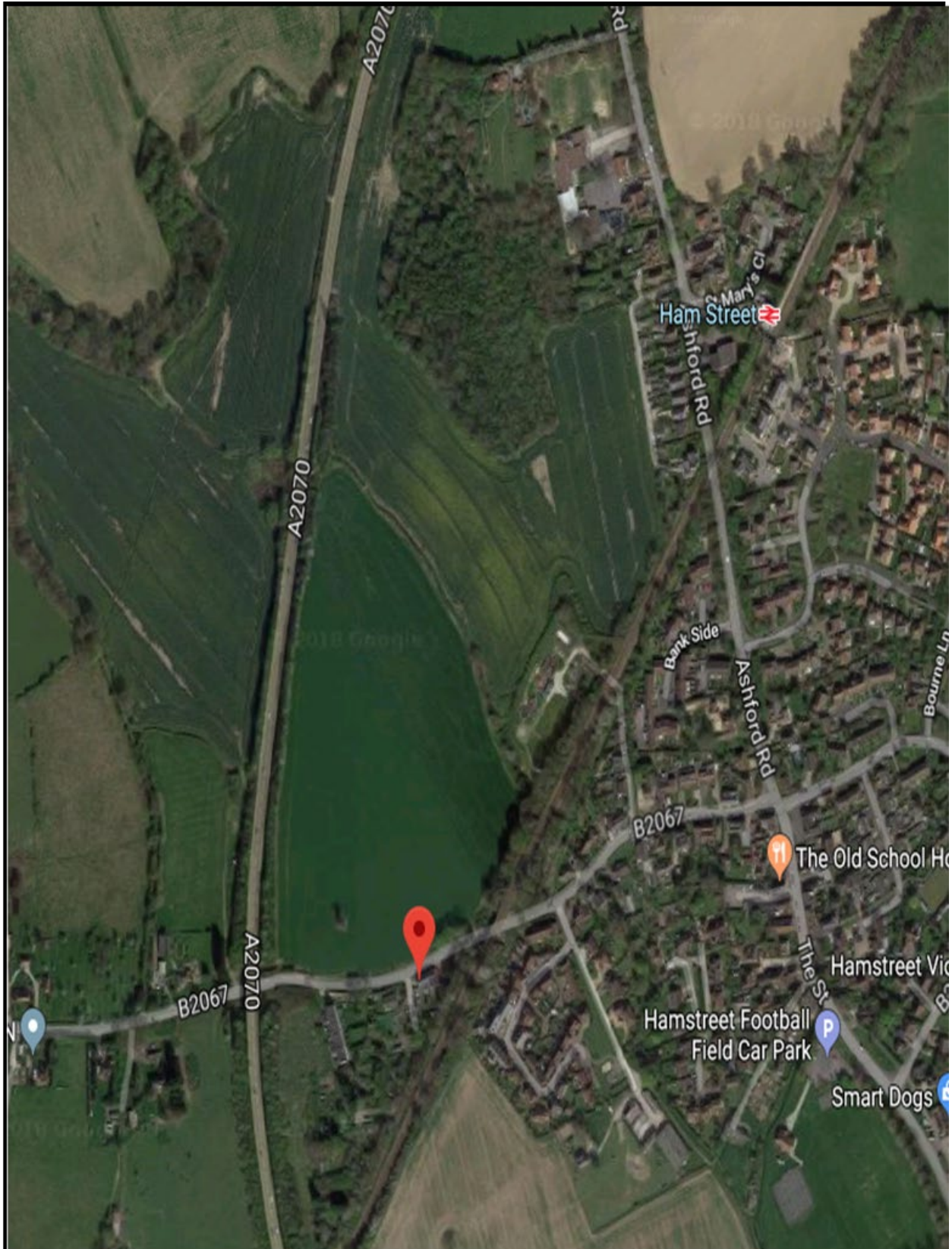


Figure 2 - Aerial photo of the site

Proposal

8. Outline planning permission is sought for residential development with associated play area, attenuation pond and natural open space. Initially the description sought up to 70 dwellings on the developable part of the site to the south which is approximately 4 hectares (17 units per hectare), however, following concerns by officers that 70 units would be unlikely to be accommodated on the site in an acceptable manner, whilst providing an acceptable landscape buffer to the northern boundary of the developable area of the site, the reference to the number of dwellings was deleted. Ultimately the exact number of dwellings accommodated on the site will be determined at the reserved matters stage through a design led process.
9. The overall site area is approx. 6 hectares although this includes the large area of informal space which links to the site via the proposed pedestrian / cycleway. The southern part of the site is where the bulk of development would take place, the majority of which is identified for development in policy S57 of the adopted Ashford Local Plan 2030. The south eastern corner is within flood zones 2 & 3 although no built development is proposed in this area. The attenuation pond however would be.
10. The only matters for consideration under this application are the principle of residential development on the site, the means of vehicular / pedestrian access from Warehorne Road and pedestrian / cycleway access onto Ashford Road. There would be one vehicular access point into the site from Warehorne Road. A pedestrian / cycle link through the upgrade of an existing track is proposed to the north of the site providing access to Ashford Road. Matters such as the final number of dwellings, appearance, landscaping, layout, scale and access ways through the site are all reserved matters for consideration at a later date should outline planning permission be granted.
11. The indicative layout which was submitted with the application showed a development of 70 units. 57 of these were shown within the proposed site allocation and 13 on additional land beyond this to the north. As stated above, following concerns raised by officers as to the ability for the site to accommodate 70 dwellings, reference to numbers was removed from the description. A plan showing the proposed developable area compared to the site allocation is set out below. The site allocation is edged black.

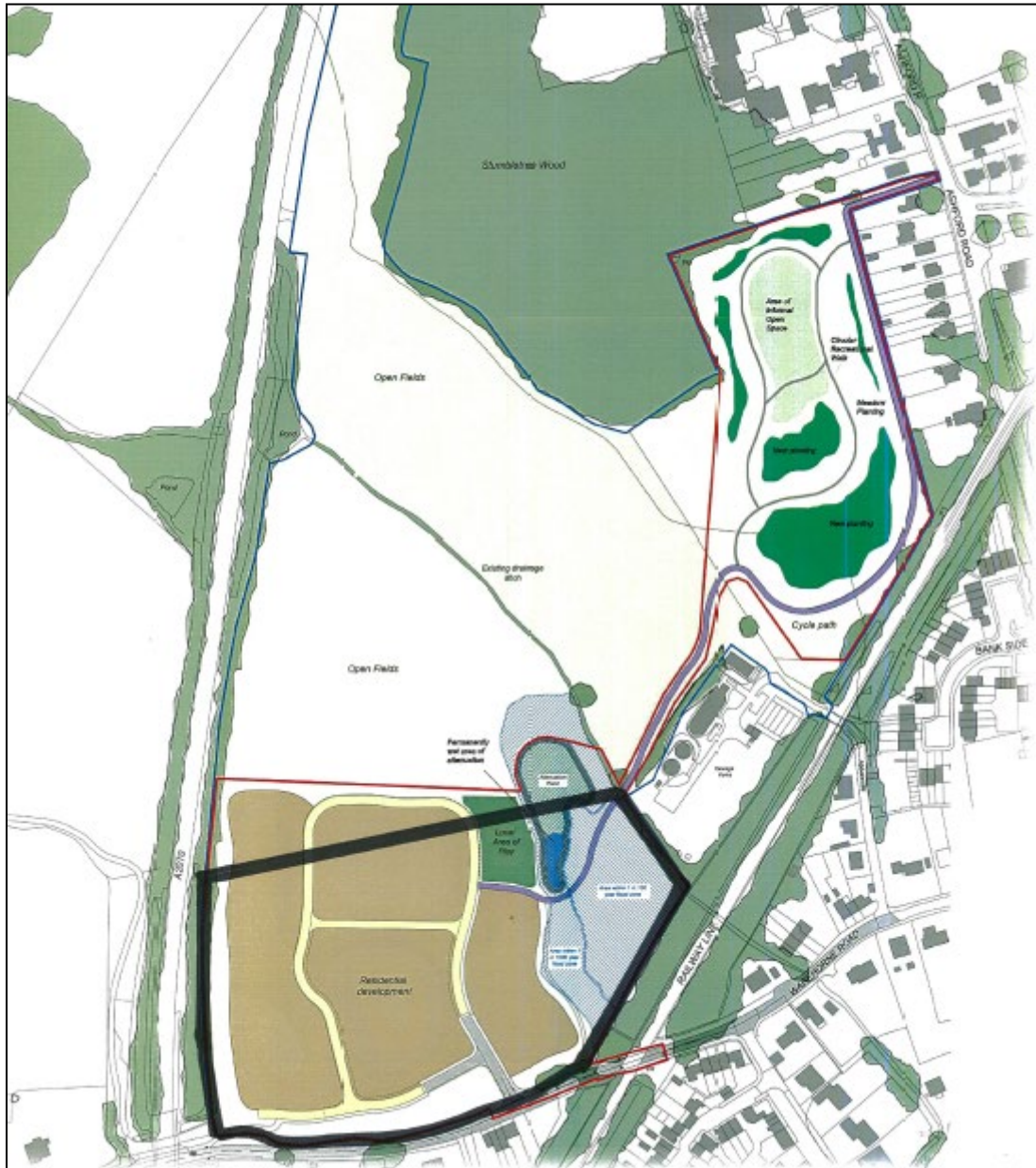


Figure 3: Site allocation edged in black shown against the proposed developable area edged red

12. The indicative layout as originally submitted with the application and the landscape masterplan is shown below (neither are for consideration or approval under this application):



Figure 4 – Indicative layout (70 dwellings shown)



Figure 5 – Illustrative landscape master plan (with 70 dwelling shown)

13. A 15m wide landscape buffer is proposed along the western boundary with the A2070. All perimeter planting is retained with the exception of approx. 125m of hedgerow along Warehorne Road to provide the access and sightlines to the site. This would be replaced behind the visibility splay. Considerable additional planting is proposed to bolster the perimeters of the site as well as throughout the site to soften its appearance and enhance ecological routes and features within the site.

14. The area of informal open space to the north is not a requirement of adopted policy S57, however, the land is within the applicants' ownership. It enables a pedestrian / cycle route to be provided from the dwellings through to Ashford Road exiting just to the south of the primary school. This land is proposed to provide a number of benefits other than enabling the pedestrian / cycle link. It would provide informal recreational opportunities with mown paths providing countryside walks. It would also enable significant areas of indigenous planting and landscaping and enhancing the ecological habitat on the site. It also acts as a buffer between the development site and sensitive Ramsar, SSSI, local wildlife sites ancient woodland and alleviates recreational pressure on these sites as a result of the development. This space was devised in consultation with Natural England. The indicative layout of the northern part of the site is set out in figure 6 below and the whole site in figure 7.

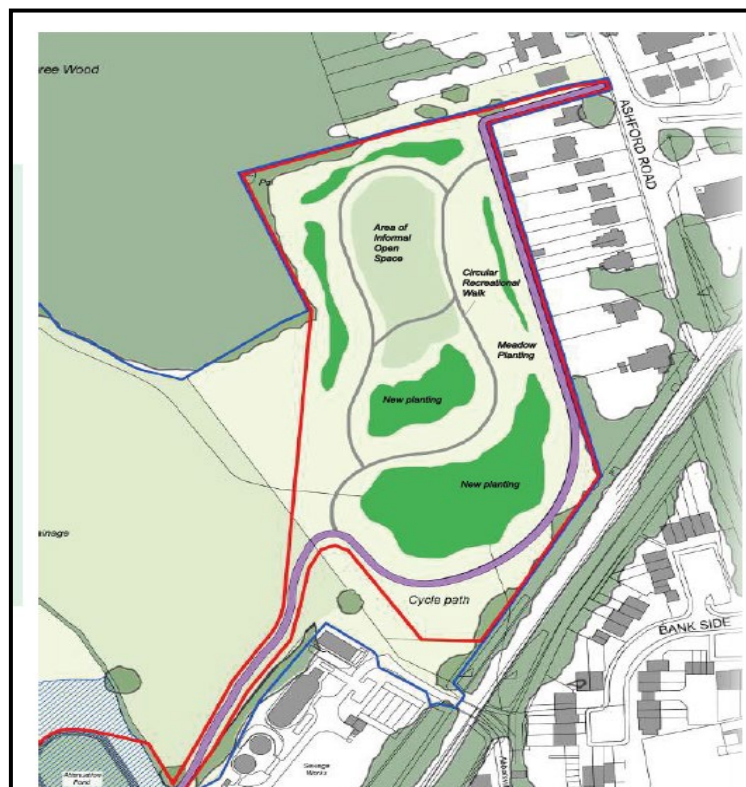


Figure 6: Landscape treatment to northern half of the site (outside of the site allocation)



Figure 7: - Overall site layout (showing 70 dwellings)

15. In support of the application, a number of documents have been submitted which set out the applicant's position and have been summarised below:-

Design & Access Statement

- Sets out the context of the site and surroundings, the proposal as well as the national and local policy framework.

- States that the proposal would bring a mix of 2, 3 & 4 bedroom houses with 25 of these being affordable (equating to 35%) and tenure blind.
- All development will be two storey in height and rear gardens will meet or exceed to 10m required in all cases. Traditional materials reflective of the surrounds would be used although this is currently a reserved matter.
- The access from Warehorne Road would be 5.5m in width. A 1.8m wide footway would be provided to the eastern side. Parking will meet the Council's SPD. Swept path analysis demonstrates the site can be serviced by refuse vehicles, emergency service vehicles and HGVs.
- Landscaping is a reserved matter although an illustrative master plan has been submitted which shows perimeter landscaping preserved and bolstered, a 15m wide landscape buffer between the A2070 and the development at the western boundary. An attenuation pond is proposed to the north east of the principal development area. A 1500 sq.m local play area is shown plus additional grassland and landscape features to the east. A substantial area of natural open space is also proposed to the north of the site allocation for additional planting, recreational opportunities as well as providing a footway and cycle link from the development to the village, connecting just to the south of the primary school. The area would provide for a network of footpaths through it to improve accessibility for the residents of this development as well as the existing residents of Hamstreet.

Noise Assessment

- Assesses the impact on the development from noise. Identifies that the A2070 carries relatively high volumes of traffic including HGVs during the day whilst the volume of traffic using Warehorne Road is low.
- Noise measurements were taken 25m in from the A2070 over a 24 hour period (Wednesday – Thursday). Average noise levels across this period were 61dB during the day and 54dB at night with the maximum noise reading taken during this period being 67dB. In order to bring noise levels down to an acceptable standard both within habitable rooms and external amenity areas attenuation measures are proposed. A higher grade of thermal glazing is proposed for the affected properties and that these be sealed with no trickle vent. Alternative ventilation is also sought should occupants wish to keep windows closed to reduce noise impact. For external areas 1.8m high solid closeboard fencing is proposed to mitigate noise. Landscaping between the boundary of the developable areas and the A2070 will further mitigate noise. With these measures in place it concludes that future residents would not experience unacceptable levels of amenity through noise.

Ecological Appraisal

- An ecological appraisal has been submitted based on results from a desktop phase 1 habitat survey and a number of protected species surveys.
- There are no statutory or non-statutory nature conservation designations present within the site. An area of ancient woodland lies to the north and west of the site (not where development is proposed) and there should be a minimum depth of landscape buffer provided along this boundary.
- The site is dominated by habitats of low ecological value. Areas of habitat of higher ecological value are located to the perimeters of the site where planting is to be retained and bolstered.
- The site provides limited opportunity for roosting bats, dormice or notable bird species. Great Crested Newts (GCN) have been recorded within 250m of the site meaning they could be present on site (although there are no actual ponds within the application site. The site does not comprise suitable terrestrial habitat (arable fields). The roads and railway also present major barriers. The closest pond is 165m from the site and in this context the presence of GCN on the site is extremely unlikely.
- The site offers low potential for foraging badgers. Due to the site comprising cultivated arable land there is very low potential for this to support reptiles. The margins of the site would provide a better habitat and will be retained.
- Mitigation measures are still proposed to be absolutely certain that protected species are not adversely affected and ecological enhancements are proposed.

Ecological briefing note to address concerns raised by KCC Ecology:-

- Site walkover undertaken in March 2018 to ensure that protected species surveys are up to date.
- No evidence of ground nesting birds on the site. The site has low potential for winter foraging birds. Site to be developed is small and there is good foraging habitat surrounding the site.
- Additional inspection of trees carried out in March 2018. The trees will remain as part of the development and so roosting bats not affected. Trees to be removed identified as having low bat roosting potential.

- Low potential for water voles on site and ditch crossing the site will be retained. Some upgrade will be needed at the crossing point. Post consent surveys will be carried out before any works to the ditch.
- Majority of the site is unsuitable for dormice. The proposal would require removal of approx. 125. Of hedgerow for the access and sightlines. A dormouse presence survey was undertaken in March 2018. This identified a single nest characteristic of a dormouse along the western boundary where vegetation is to be retained.
- The removal of hedgerow to create access has the potential to impact on connectivity of habitat for dormice. This would be temporary as replacement hedge planting will take place behind the sightlines. New habitat will also be created across the site as part of this development. A European Protected Species (EPS) license will be needed for the vegetation clearance and there is no reason to suggest that one would not be granted by Natural England.
- The nearby SSSI & ancient woodland would not be adversely affected subject to an appropriate SUDs scheme.
- The open space will be designed and managed to enhance the biodiversity on the site.

Flood risk assessment

- Flood Zones – Whilst a very small part of the site (south eastern corner) lies within flood zones 2 & 3 there is no built development proposed here. All built development would occur on the southern half of the site which lies entirely within Flood Zone 1. Any risk from tidal or fluvial flooding are low.
- Surface water - The main risk of flooding would be from surface water flooding given that the development would significantly increase the amount of impermeable area on the site. It is proposed to deal with the surface water run-off through SUDs as opposed to utilising any public sewers. Potential areas of impermeable development (roofs, roads etc) would be approx. 1.37 hectares. It is proposed that surface water will be dealt with at source to avoid the risk of any flooding downstream. It is proposed that surface water will drain into a network before draining to an attenuation basin to the east of the site. From here the water will drain at a controlled rate (using a hydrobrake) to not exceed the greenfield run off rate into the existing watercourse network. The attenuation pond for large periods of the year would be dry with the exception of the area by the inlet pipe and will also catch silt and prevent it entering the watercourses. The system which is not controlled by KCC or Southern Water will be maintained by a Management Company.

- Foul water – It is proposed that the development will connect into the existing sewer to the east of the application site. A level 1 capacity check will be required to ensure there is sufficient capacity in the existing network to service the development.

Drainage Statement Addendum (submitted to address concerns raised by KCC Drainage & Natural England)

- Base of attenuation pond lifted so that it falls within the 1 in 100 level so a free outfall can be provided in times of flood.
- Attenuation pond has been enlarged based on a revised outfall rate of 9.6 litres per second which accords with the Council's adopted SUDs SPD.
- Drainage strategy is to incorporate a number of treatment stages to ensure that the quality of water discharge into the watercourse. Clean run-off from roofs will drain into the system through sealed trapped gullies. Highway run-off will be via trapped road gullies that will intercept silt and contaminates.
- In respect of the use of infiltration techniques the FRA sets out that the site is unlikely to be suitable for this and so the drainage system has been based on this being the case. The system is based on attenuation and discharge.

Arboricultural Report

- 13 individual trees, 6 groups of trees and 3 lengths of hedgerow and 2 areas of woodland were surveyed. Based on the proposed developable area shown 2 individual trees, 1 group of trees and a portion of 1 of the hedgerows would be lost. The ancient woodland to the north would be unaffected. Tree and hedge protection measures are proposed for those retained.
- The 2 trees for removal were either dead or suffering dieback and should be removed irrespective of the development. 2 trees would be lost as a result of the development itself. Neither is of any significant amenity value or worthy of protection. The only part of the established hedgerow to be removed is that required to provide access and sightlines for the site.
- Replacement landscaping and planting will more than make up for the loss of some trees / hedgerow of limited amenity value.

Transport Statement (including addendums and revised plans to address KH&T concerns)

- The statement has been based on 70 dwellings being created on the site.

- A new priority junction onto Warehorne Road is proposed and designed to take account of the proposed expansion of the 30 mph limit to include the site frontage.
- New pedestrian footway is proposed linking the existing footway along Warehorne Road to provide a safe pedestrian access to Hamstreet.
- A signalised pedestrian crossing is to be provided adjacent to the site access as part of the signalisation scheme of Warehorne Road beneath the railway bridge.
- A pedestrian route way is to be provided through the site to link it to Hamstreet, the primary school and the train station. A link to PROW A622 to the south west of the site would also be provided to provide connectivity for the residents of Warehorne.
- The site is sustainably located with good access to rail and bus routes as well as being a short walk from local amenities. Parking provision will be in line with local policy.
- Swept path analysis has confirmed that the site can be safely accessed by larger vehicles including refuse, emergency services and pantehnicon.
- The site is anticipated to generate 330 two way trips over a 12 hour period with 37 trips in the am and pm peaks. This averages at less than 30 trips per hour which is not considered significant. This is based upon the provision of 70 dwellings on the site.
- Currently Warehorne Road (following an Automated Traffic Count) has approx. 1534 east bound vehicles and 1472 westbound vehicles over a 12 hour period (7am-7pm). The proposal would add up to a maximum of 37 trips to this per hour.
- Modelling demonstrates that the surrounding highway network has sufficient capacity to service the development including the staggered crossroads at Hamstreet.
- The implementation of shuttle signals will help to regulate traffic and prevent backlogs of traffic building up at the junction with Ashford Road.

Archaeological Desk Based Assessment

- Land at Warehorne Road, Hamstreet, Ashford, Kent has been reviewed for its archaeological potential.
- A residential development with associated landscaping and infrastructure is proposed.
- No nationally designated World Heritage Sites, Registered Parks and Gardens, Scheduled Monuments, Listed Buildings, Historic Battlefield sites or Historic Wreck sites lie within the study site.

- Designated heritage assets in the form of listed buildings are recorded:-
 1. within 80m of the study site at Spring Cottages
 2. 150m east of the study site at Hamstreet and Orlestone Railway Station
 3. further afield at the Old Bakery, the Old Eastside, Stores House, Street House, The Timbers and Woodville, Lordens and the Keepers Cottage Middle Platt, located c.200m east of the study site within Hamstreet Conservation Area
 4. at Burr Farmhouse and the Oasthouse c.25 northwest of the farmhouse, located c.250m west of the study site and
 5. at Fairlawn, located c. 300m east of the study site, also within Hamstreet Conservation Area
- Overall, the study site is considered to have a low archaeological potential for all past periods of human activity. Any archaeological remains will be of purely local significance.
- Any archaeological mitigation measures required by the local planning authority could be secured by an appropriately worded archaeological planning condition

Phase 1 Contamination Assessment

- No buildings historically have been built on the site. Localised iron ore mining may have occurred to the south east of the site. The site is currently used for arable growth
- Significant development has occurred adjacent to / close to the site boundary i.e. school, dwellings, roads and railway, sewage works etc
- Site has a low/moderate risk to human health
- Site has a low risk to controlled ground water
- Due to the potential risk a Phase 2 Intrusive Site Investigation is recommended and any associated mitigation put forward

Statement of Community Involvement

- Early consultation with key stakeholders including ABC, Parish Councils, Ward Members and local residents.

- Public exhibition drop in event inviting stakeholders and local residents (550 invites hand delivered)
- Advert in Kent Online
- Display of posters advertising the event
- Public Exhibition at Hamstreet Victory Hall

Landscape & Visual Appraisal

- Proposal is assessed as having a moderate effect upon landscape character both regionally and locally and a moderate effect on topography & geology.
- The proposal would extend wooded coverage and provide tree cover throughout the site and areas of wetland habitat and native meadow would be created in the floodplain areas (Zones 2&3).
- Proposal would extend and enhance areas of habitat.
- The site is located between the railway line (planted embankment) and the A2070 (separated by a bund). Warehorne Road frontage has a continuous and well established hedge along it.
- There are no public rights of way across the site.
- Views of the site are from Warehorne Road in locations very close to the proposed development as well as from the driveway serving Orlestone Villas. There will be glimpses from the A2070 but vehicles will be travelling at speed.
- Boundary and frontage planting would soften views between the development and visual receptors. Long term impact when planting is established is considered to be minimal.

Odour Survey

- Identifies that there are no existing or proposed receptors (dwellings) that would be adversely impacted upon from the Hamstreet Waste Water Treatment Works. Prevailing wind is from the south west.

Planning History

39. There is no planning history relating to this site

Consultations

Ward Members: Since the submission of the application both ward members have changed. No comments have been received from either of the new ward members, Cllrs Ledger & Sparks.

Warehorne Parish Council: Object raising the following issues: -

- Policy indicates the site should be for 50 dwellings. The 70 proposed is a 40% increase in this number.
- Informal open space behind Orlestone Villas is hidden from view by woodland etc leaving these properties vulnerable. There is no need for this open space.
- The pedestrian / cycle access to the north is used by vehicles serving Orlestone Villas and is unsafe for additional use.
- Concerns over the proposed traffic lights causing traffic to back up towards the junction with Ashford Road rather than helping it.
- SW has stated that there is insufficient capacity in the foul sewerage network and that it may be a few years until this is addressed.
- In the public consultation event, which was well attended, 65% of participants were either opposed or strongly opposed to the development. Only 19% were supportive.
- Noise survey was done in school holidays when noise levels are lower.
- KCC is cutting subsidies to the 11, 11A & 11B bus services which currently serve Hamstreet. This will effect sustainability.
- There is currently no built development to the north of Warehorne Road.
- Proposal will do nothing to improve the quality and character of the area and will negatively impact upon the roads.
- Proposal is contrary to the NPPF.

Orlestone Parish Council: Object raising the following -

- Orlestone Parish contains approx. 600 dwellings most lying within the village of Hamstreet. The 70 dwellings here plus the 80 proposed under policy S31 will increase the size of the village by almost a third. This will negatively impact on the village in terms of traffic, noise & infrastructure. The doctors surgery is at capacity as are the trains and the roads are congested.

- Parking on Warehorne Road reduces this to single file in certain parts. Traffic congestion along this road will be heightened.
- Concerns over the workability of the traffic lights resulting in a backlog of traffic along Ashford Road.
- The path linking to the primary school requires access over the private rear access of various properties.
- Properties will be subject to high levels of daytime noise and what is proposed to mitigate this?
- Detailed FRA needed.
- Inadequate capacity in the foul sewerage system.
- There is no natural boundary to the north of the site meaning development could continue to creep. The indicative capacity under policy S57 is 50 and yet 70 dwellings are proposed. How will mass development be prevented?
- The scheme is not deliverable or sustainable.
- The application if passed will have a significant impact on the local area putting extra pressure on social, physical and economic infrastructure in Hamstreet as such all S106 contributions are requested for the local area only.

Further comments received during the course of the application stating:

- All S106 contributions should be spent in Hamstreet and Warehorne as housing development will put extra pressure on local facilities. There are contributions set out in the heads of terms that are for contributions towards improvements to facilities outside of the local area i.e. Victoria Park; Norton Knatchbull; library book stocks etc. There is a question over the legality of this as it is spending outside of Hamstreet / Warehorne.
- Orlestone PC are strongly opposed to S106 spending outside of the local area and would like to see funds provided for:
 - New village Hall
 - New bus shelter
 - Off road parking along Warehorne Road
 - More parking in the village
 - Funding for running water at Hamstreet allotments
 - Land set aside on each site for allotments
 - Provision of an outdoor gym at Pound Lees Recreation Ground
 - Funding to St Mary's church for upkeep of their cemetery

(HofP&D: The tests for S106 contributions are set out under the Planning Obligations Section later on in the report. The request for contributions must be justified and spent

in areas that also can be justified. This will mean not all of it will be spent in the local area i.e. secondary school improvements etc. Occupants of the development may well add pressure on secondary schools hence the contribution is justified. A contribution towards a new village hall for a development of this size, however, would not be justified. Contributions requested by the PC where they meet the CIL Regulations tests have been sought.)

Kent Highways and Transportation: Raise objections for the following reasons:

- A new priority junction can be accommodated onto Warehorne Road with sightlines derived following a speed survey. Both are acceptable. The access width of 5.5m is also acceptable. The proposed junction will have 1.8m wide footways for pedestrians. A further link is to be provided onto Ashford Road for pedestrians and cyclists. This route also serves as vehicular access for approx. 15 dwellings that front onto Ashford Road to access off road parking. The link will need to be wide enough to accommodate both uses and a passing bay provided to reduce the likelihood of conflicting vehicle movements requiring one to reverse along the track.
- The existing footway along Warehorne Road will be improved and widened to 1.8m.
- It is proposed to install traffic signals under the existing railway bridge, narrowing the carriage way to single lane through that section incorporating a controlled pedestrian crossing phase. This has been assessed by the Traffic Signals Team and deemed acceptable.
- Traffic impacts – Proposed Trip generation data is accurate in the TA. The development would generate approx. 23 vehicle movements along Warehorne Road and The Street during each of the AM and PM peak hours (18 eastbound and 6 westbound in the AM peak and 7 eastbound and 15 westbound in the PM peak.
- The junction modelling has followed best practise and demonstrates that the junction of Warehorne Road, Ashford Road and The Street would continue to operate well within its capacity.
- The operation of the proposed traffic signalling scheme to facilitate shuttle working at the railway bridge has also been modelled and predicts the impact will be on the eastbound arm of the signals. The busiest period will be the PM peak and that arm would be running with a 33% spare capacity at that time resulting in a maximum queue of 4 vehicles. The AM peak would have 55% spare capacity and a maximum queue of 3 vehicles. The signalling scheme is considered acceptable.
- Parking that takes place along Warehorne Road near the junction with Ashford Road does result in the occasional blocking of Ashford Road. The interruption of eastbound flows by the signals will assist this to a degree. To address the

matter further the extension of the existing waiting restrictions, to improve the passing opportunities should be carried out through a Traffic Regulation Order.

- Proposals seek to extend the 30mph restriction westward to encompass the site frontage. The relocation of signage alone would not support this and it is a change to the environment itself that should be looked at to regulate vehicle speeds.

Re-consultation following receipt of additional information to address the above concerns:

- Acknowledged that the entire track which links the site to Ashford Road to the north doesn't need widening to accommodate the pedestrian / cycle movements generated by this proposal, widening at either end should be investigated to allow space for a vehicle to wait.
- Applicant is prepared to accept a condition for additional waiting restrictions that could assist traffic flow along Warehorne Road and reduce the likelihood of the Ashford Road junction blocking.
- The proposals for a 'gateway' feature for the 30mph zone is not adequate for effective reduction in traffic speed.

Re-consultation following receipt of additional information to address the above concerns, new vehicle tracking and Stage 1 Road Safety Audit: - No objection stating:

- Pedestrian access to be widened at either end of the track is acceptable and should be designed in at the reserved matters stage.
- Suitable off site scheme submitted along Warehorne Road to support the extension of the 30mph limit across the frontage of the site.

No objection to any highway matters subject to the developer securing an undertaking to progress a Traffic Regulation Order (TRO) for additional waiting along Warehorne Road and conditions covering: Offsite highway works completed before occupation; access details on approved plan completed before occupation; provision of vehicle passing facility; Construction Management Plan; parking; cycle parking; estate road layout; visibility splays and construction of the highways / footways within the site.

KCC Flood & Water Management: Holding objection

- The attenuation point is sited within an area at risk from flooding (Flood Zone 2). It is likely that in a flood event then the pond will be overloaded and as such it should be located outside of Flood Zones 2 & 3.
- The drainage strategy does not refer to the Council's SUDs SPD.
- use of deep bored soakaways appropriate in this instance due to the presence of made ground and superficial deposits.
- additional site investigations would be necessary to determine the exact discharge zones and infiltration rates.
- estimated 10 litres per second (l/s) discharge rate for deep bored soakaways, appropriate at this stage.

Re-consultation following submission of Drainage Strategy Addendum:- No objection subject to conditions to cover the following:-

- Detailed SUDs scheme submitted & approved at the same time as the reserved matters.
- Details of the maintenance of the SUDs system
- Verification report pertaining to the surface water drainage system to be submitted and approved

Project Office (Drainage) – No objection subject to the imposition of conditions requested by KCC Drainage.

Environment Agency: - No objection subject to a condition requiring all dwellings to be located outside of flood zones 2 & 3 and comments as follows:

- Recommendations in the FRA should be followed so that surface water run off rate from the site does not exceed the existing run off rate.
- The design, capacity and ongoing functionality should be agreed with KCC before layout is agreed. If the attenuation pond is to be located in Flood Zone 2 then the storage volume should be provided below ground and all excavated material removed from the flood zone.

KCC's Ecological Advice Service: - Object raising the following:-

- Survey data is 2 years old and concerns raised as to whether this is still valid. Updated surveys should be undertaken and this should be prior to determination.
- Birds – limited information to draw the conclusion that the site will not be utilised by ground breeding birds.

- Need to ensure that the increased habitat proposed is managed properly and a site wide management plan is needed.
- Ivy on trees could be concealing bat roosts so further information is required. There is a need to ensure lighting does not negatively impact on how foraging bats use the site.
- Satisfied there is no need for any further GCN surveys but precautionary measures should be adopted along with ecological enhancements.
- No requirement for any further surveys in respect of reptiles.
- As the path would cross the stream that dissects the site there is a need for a water vole survey.
- Dormouse assessment is acceptable but prior to determination information should be provided detailing the maximum amount of suitable vegetation which will be cleared. Without this information it is not possible to assess the appropriateness of the mitigation.
- SUDs – the site is hydrologically connected to Dungeoness, Romney Marsh & Rye Bay Ramsar, SPA & SSSI. There is a risk of water pollution from increased flow. ABC must be satisfied that the SUDs scheme ensures that the surrounding water bodies will not be negatively impacted upon by the development.
- Impact upon ancient woodland is acceptable.
- Open space must be designed and managed to ensure ecological enhancements.

Re-consultation following receipt of further surveys / information:-

- Submitted surveys valid for consideration following an updated site walkover by the ecologist to demonstrate that the habitats on site have not significantly changed.
- Birds – additional information submitted demonstrates no further survey work is required
- Bats – further information demonstrates that the trees covered by ivy have a low potential to be used by roosting bats. No additional survey work is required at this stage. The development will improve foraging opportunities but careful attention will need to be paid to lighting on the site and this can be controlled by condition.
- A condition covering precautionary mitigation for GCN & Reptiles is needed.

- Water voles – the submitted report demonstrates there is limited potential for water voles however there is a need for preclearance surveys before works commence.
- Dormice – Dormice have been recorded on the site and 125m of hedgerow will be lost. A detailed mitigation strategy is required and can be a condition of any grant of planning permission.
- SUDs – SUDs scheme must be suitable to ensure that surrounding water bodies are not negatively impacted upon due to water pollution.
- Condition requested for a landscape and ecological management plan (LEMP)

Natural England – Object stating that further information is required to assess the impact upon designated sites (Ramsar / SSSI) through water pollution. Further information in respect of surface water drainage to demonstrate that the SUDs will function properly and negate the risk of pollution to protected sites.

Re-consultation upon receipt of additional information (Drainage Strategy Addendum):

- No objection based on the plans submitted. NE now considers that the proposed development will not have significant adverse impacts upon designated sites (i.e. Ramsar, SPA & SSSIs)

ABC Housing – Raise no objection with the following comments:

- Affordable housing should be at 40% in line with HOU1. This equates to 28 units (based on 70 units).
- To respond to the borough's needs there should be a mix of 1, 2 & 3 bed units.
- The affordable housing should be tenure blind and well integrated into the development.

Network Rail – No objection.

Southern Water – No objection subject to a condition requiring a drainage strategy detailing the means of foul water disposal has been submitted and approved prior to the commencement of development and thereafter implemented. They also request a condition requiring foul and surface water drainage to be agreed in consultation with SW. They also make the following comments:

- A foul rising main crosses the site. The exact location of this needs to be established before the layout is agreed. If necessary it may be possible to divert this.

- SW cannot accommodate the development without additional local infrastructure. Without this the increase in waste water flow into the existing sewerage network would increase the risk of flooding.
- SUDs will not be adopted by SW.
- The site is close to the Hamstreet Waste Water Treatment Works (HWWTW) which are often bad neighbours to sensitive development (i.e. residential) due to potential for odour pollution. In the absence of an odour survey they request a suitable buffer around the treatment works within which development sensitive to odour can suffer smells that are inherent to the process. The buffer in this instance should be 500m.

Re-consultation following receipt of an odour survey:

- No objection

KCC Developer Contributions: No objection but request S106 contributions as set out in Table 1 later in the report.

KCC Heritage: No objection subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written specification and timetable. The comment as follows:

“The site of the application has broad potential for prehistoric or later remains, especially small settlement or post medieval farming activity.”

Environmental Protection: no objection, subject to conditions in relation to an investigation of contamination, unexpected contamination scheme, electric charging points and sewage disposal, and have made the following comments:

- No specific comments to make in respect of the acoustic report and state that acceptable levels of amenity will be experienced by future residents subject to the proposed mitigation measures put forward.

Culture and the Environment (Open Space): - comment as follows:

- 70 dwellings will be required to provide the majority of public open space onsite. Contributions are required in respect of outdoor sports, Play, allotments, Strategic parks & cemeteries.
- A play area is shown to the east of the development and open space in the flood zone. The former is not required for a development of this size. Open space should be incorporated into the development and be overlooked, genuinely usable and fully accessible all year round. Open space must contain the necessary infrastructure and planting to create a quality space. Areas in flood zone, SUDs features (i.e. attenuation pond), buffer landscaping to the A2070, open space to mitigate impact on protected zones and landscaping for ecological mitigation will not be counted.

NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups:

- No objection subject to a financial contribution to the extension / refurbishment / upgrade of Woodchurch Surgery to meet the extra demand arising from the development.

Kent Police: no objection and welcome the opportunity to discuss crime prevention and what is required by Secured By Design (SBD).

Ramblers' Association, Kent Area: No comments received.

CPRE: Object raising the following concerns:

- The additional development proposed along Warehorne Road is unsustainable in terms of traffic flows. The Transport Assessment is based on TRICs data rather than taking into account local knowledge particularly of the traffic issues between the railway line and Ashford Road or the impact of on street parking. The traffic lights will cause traffic to back up. The development is not sustainable.
- The proposal would harm the rural environment. Noise attenuation from the A2070 needs careful attention. The sewage treatment plant is at capacity.
- Cumulative impacts, with the proposed allocation opposite the school and recent developments at Parker Farm & Lancaster Close, on local infrastructure would be significant and if it can't all be absorbed would render the development unsustainable.

Neighbours: 102 neighbours were consulted, site notices posted and the development advertised in the local paper. 44 representations to object were received. In addition, 2 petitions, one with 66 signatories and one with 11 signatories were also received objecting to the proposal.

The objections are summarised below:

- Proposed development will not meet local housing need.
- Warehorne Road is a bottle neck already and increased traffic arising from the development will cause more congestion (particularly at the junction with Ashford Road), increased risk of accidents & increased pollution / noise. On street parking add significantly to this.
- Increased demand on doctors surgery.
- Hamstreet Primary has no spare places so children will have to travel out of the village for places.
- Southern Water has stated foul sewers do not have capacity thus the development will cause increased smell / waste. At times tankers are required to take away waste.

- Loss of yet more green space to development.
- No infrastructure to support the development and Hamstreet will lose its village feel.
- Limited public consultation prior to the application being submitted.
- Site should be linked to the A2070 and not Warehorne Road. Slip road from Warehorne Road to the A2070 should be created.
- Concerns over the holding pond as it appears uphill from the development.
- Footpath on the side of viaduct Cottages to the village is needed.
- Houses will not be affordable to local people.
- Proposal will exacerbate flooding issues in the village.
- Noise and light pollution from the access to occupant of Prospect cottages opposite.
- Land not allocated for development in the Council's plans.
- Hamstreet has already taken more than enough development.
- The track to Ashford Road is used by farm vehicles and residents. It is not a public right of way. It is not suitably surfaced for cyclists. Visibility to Ashford Road is poor and track gets congested at Ashford Road with parents dropping off / picking up children who attend the school. Last 15m of the track to Ashford Road is steep and dangerous for cyclists.
- Overlooking of the rear of properties from the cycleway.
- Warehorne Road is a secondary road and policy states that developments increasing traffic onto such routes where it results in highway safety concerns should not be permitted.
- Parking on Warehorne Road narrows this to single carriageway making it difficult for emergency vehicles to pass.
- Proposal breaches human rights.
- Risk to / loss of wildlife.
- Light pollution – particularly if the cycle path and play areas are to be lit.
- Site fails to meet Kent Police's secured by design. Risk of antisocial behaviour from users of the open space.
- Loss of historic outlook over farm land.
- Proposal creates a right of way through the northern part. Application form states no new rights of way.
- Too much housing when the 80 houses at St Mary's Close is added to this.
- 50 houses on a smaller site were discussed at the public consultation event. This now proposed 70 houses on a much larger site.
- No need for the extra open space which lacks natural surveillance.
- The cycle way would disrupt a historic WWII air raid shelter (**HP&D**: this would not be affected by the proposal)
- New development should be on brownfield sites and not greenfield sites.
- Scheme will make way for the development of the whole site in the future.
- Congestion on surrounding roads from construction traffic / deliveries.

1 general comment received:

- Connection to the surface water attenuation system will require the consent of the Board.

Planning Policy

16. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
17. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
18. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan 2030 (Adopted February 2019)

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

SP7 - Separation of Settlements

S57 – Hamstreet, Land at Warehorne Road (site specific policy)

HOU1 – Affordable Housing

HOU3a – Residential Development in the rural settlements

HOU5 - Residential windfall development in the countryside

HOU6 – Self & Custom Built Development

HOU12 - Residential space standards internal

HOU14 - Accessibility standards

HOU15 - Private external open space

HOU18 - Providing a range and mix of dwelling types and sizes

EMP6 – Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV15 – Archaeology

COM1 - Meeting the Community's Needs

COM2 – Recreation, Sport, Play and Open Spaces

IMP1 – Infrastructure Provision

The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Landscape Character SPD 2011

Residential Space and Layout SPD 2011

Dark Skies SPD 2014

Affordable Housing SPD 2009

Public Green Spaces & Water Environment SPD 2012

Other Guidance

Informal Design Guidance Notes 1- 4 2015

Government Advice

National Planning Policy Framework 2018

Planning Policy Guidance

Technical housing standards – nationally described space standard

19. Members should note that the determination must be made in accordance with the statutory Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF effectively provides that less weight should be given to the policies above if they are inconsistent with the NPPF (para. 213). The following sections of the NPPF are relevant to this application.

Relevant sections:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 10 - Supporting High Quality Communications
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

Assessment

40. The main issues for consideration are:
- (a) The principle of the development
 - (b) Sustainability and location of the development

- (c) Landscape character and visual amenity
- (d) Design, layout and impact on Hamstreet conservation area
- (e) Impact on residential amenity
- (f) Ecology / impact on designated sites
- (g) Flood risk / drainage
- (h) Odour / contamination / noise
- (i) Transport / highway safety
- (j) Housing mix / affordable housing
- (k) Other matters
- (l) Whether planning obligations are necessary

The principle of the development

20. The application site in part has been through examination and has now been adopted by the Council and therefore forms a policy in the development plan. The Council can currently demonstrate a 5 year housing land supply and therefore the policies in the adopted Local Plan relating to the supply of housing are afforded full weight. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
21. The Local Plan has validated the essential land use planning strategy adopted by the Council, as being the right strategy to apply, namely focusing growth in and near the built-up area of Ashford, as well as in the main rural settlements in the hierarchy, based on sustainability considerations and seeking to recognise the character and important qualities of the villages and the countryside. The land use planning strategy is sound and justified. Hamstreet is considered to be one of the higher tier settlements.

22. In the rural area, larger scale development – in a rural context – is focused at the more sustainable and established rural settlements, those which have more services and facilities and a greater ability to absorb higher levels of new housing (i.e. Hamstreet).
23. The Plan also proposes to allocate a significant number of housing allocations at medium sized rural settlements which will spread the responsibility for accommodating new housing growth in a sustainable way across the borough and focus new housing in a way that is proportionate and close to the services and facilities in the locality. This site is one such proposed allocation.
24. The adopted Ashford Local Plan 2030 proposes the southern part of the site for residential development with an indicative capacity of 50 dwellings. The approximate density of development would be 17 units per hectare based on a site area of 3 hectares shown in the plan.

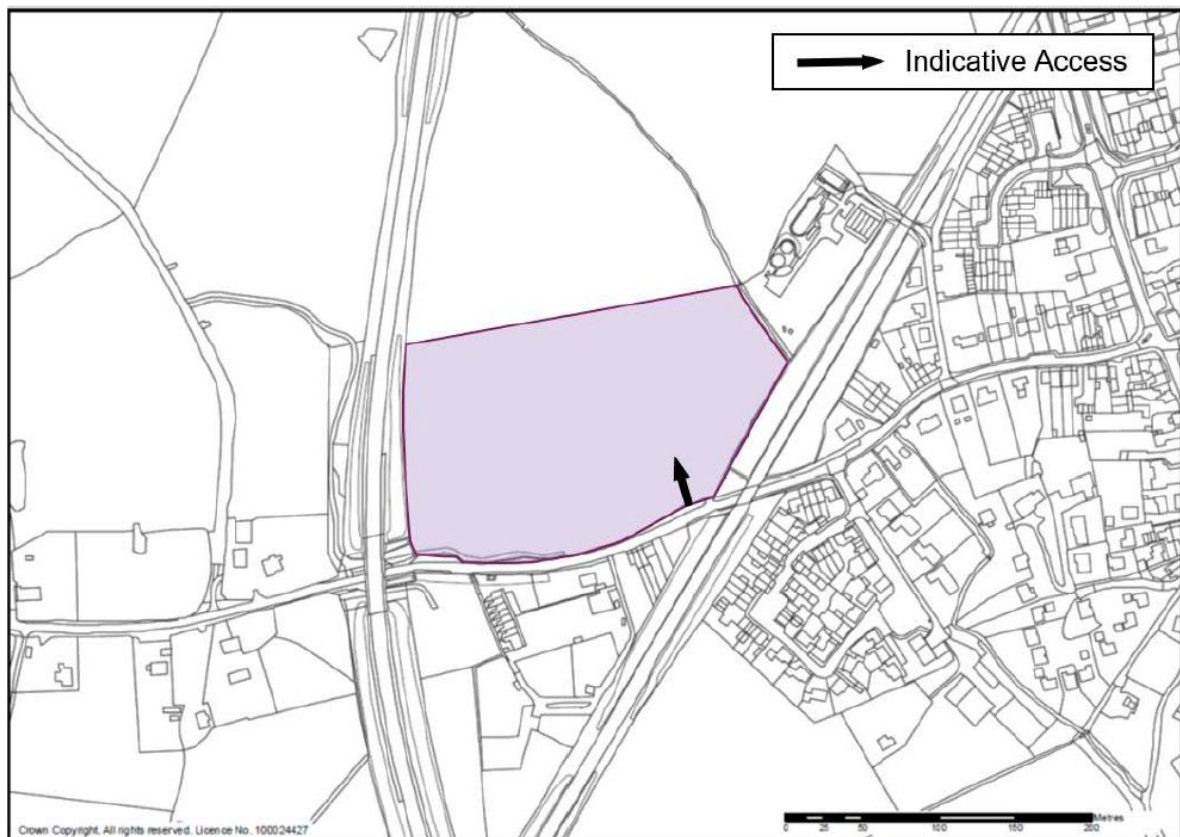


Figure 8 – Adopted Policy S57 of the Local Plan 2030

25. Within the plan the application site is identified (under policy S57) as being suitable for residential development. Policy S57 states that the indicative capacity for the site as a whole is 50 units. The allocation evidences the fact that the Council considers the principle of residential development on this site to be acceptable and

also sustainable in accordance with the principles identified above. Adopted policy S57 states that:

“The site at Warehorne Road is proposed for residential development with an indicative capacity of 50 dwellings. Development proposals for this site shall:

- a) Be designed and laid out having regard to the character and setting of the site, paying particular attention to the frontage on Warehorne Road, the topography of the site and the site’s relationship with agricultural land to the north;*
- b) The site should be designed and laid out so as to protect the amenity of those living within the new development, paying particular attention to adjacent transport uses and the nearby sewage treatment works;*
- c) Primary vehicle access shall be from Warehorne Road and any proposal shall consider the need to make improvements to the highway to facilitate safe vehicle and pedestrian movement;*
- d) Include a comprehensive landscaping scheme that seeks to make provision for the retention and enhancement of existing natural features within the site. In addition, proposed new landscaping should provide generous soft landscaping along the northern edge of the site in order to lessen its visual impact;*
- e) Retain and, wherever possible, enhance the current hedge boundaries fronting Warehorne Road except for access and highway safety reasons;*
- f) Be accompanied by a full flood risk assessment that has been prepared in consultation with the Environment Agency. The development shall be laid out to ensure that the built footprint avoids the flood zones;*
- g) Provide an appropriate contribution towards the provision, management and maintenance of related community facilities and infrastructure;*
- h) Provide new pedestrian and cycle routes throughout the development to connect with the adjoining development and to improve links to the existing built up part of the village;*
- i) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider;*
- j) Ensure appropriate species and habitat surveys are carried out. Results will inform ecological mitigation and enhancement measures to be provided on the site and proposals for implementation, maintenance and monitoring in accordance with policy ENV1;*
- k) Provide future access to the existing sewerage infrastructure for maintenance and upsizing purposes;*

- l) Provide an Environmental Assessment Study to address any potential adverse impacts of the proposals on the biodiversity of the Dungeness, Romney Marsh and Rye Bay Ramsar site and how they can be avoided or adequately mitigated; and*
- m) Ensure that any indirect impact on the Dungeness, Romney Marsh and Rye Bay and the Hamstreet Woods SSSI is suitably mitigated. Mitigation measures must reflect the BOA guidelines and be addressed in consultation with Natural England and Kent Wildlife Trust.*

26. The policy states the indicative capacity for the allocation as being 50 units. The application site in terms of the developable area is larger than that in the policy hence initially the application sought up to 70 dwellings. Officers were concerned that it had not been demonstrated in the indicative layout that 70 units could be accommodated on the site in an acceptable way and whilst the application sought up to 70 dwellings it was not appropriate to reference an upper limit in the grant of any planning permission without this being adequately demonstrated.
27. The site, being an allocated site, will make an important contribution to the Council maintaining a 5 year housing land supply and thereby being in a stronger position to resist speculative inappropriate developments on unallocated sites outside of the town and village confines within the Borough. The delivery of this site will also help to boost the supply of housing which is a requirement of the NPPF. The criteria of the policy is tested in subsequent sections of this report but subject to compliance with these the development proposed can be considered acceptable in principle.
28. The application site is considerably larger than the area of the proposed allocation as it includes a considerable area of land to the north for ecological mitigation and the provision of the cycleway / footpath to link the site to Ashford Road where the amenities in Hamstreet village are located. The developable area to the south also slightly exceeds that shown in the allocation as stated above and shown in figure 3 above. It may therefore be possible to provide a greater number of dwellings than the indicative set out in the policy however the exact number would ultimately be determined through the reserved matters stage. All surveys and supporting information is based on 70 dwellings being accommodated on the site. Should a greater number than 50 be achieved then this would help offset any under provision on other sites and further strengthen the Council's 5 year housing land supply. It would also make best use of land as required by the NPPF.
29. The enlarged site does not affect historic field boundaries as the site forms part of an open agricultural field as can be seen in the aerial photograph in figure 2. A greater number of units than the 50 (indicative) in the plan would be acceptable in principle subject to the criteria of policy S57 being addressed and there be no overriding harm as a result of the greater number of units.

30. Benefits associated with the scheme include its ability to help boost significantly the supply of housing, the provision of 40% affordable housing, its sustainable location (see below), and other recognised social and economic benefits including generating job opportunities, for example, during the construction process, and economic benefits arising from purchasing goods and utilising services and facilities in the immediate and wider locality.

Sustainability and location of the development

31. The NPPF seeks to resist isolated new homes in the countryside (para 79).
32. The site, whilst outside of the built confines of Hamstreet is not in an isolated location. The application site is located adjacent to an established sustainable rural settlement and within easy walking distance of the centre of the village. There are a wide range of local services and facilities including shops, primary school, cafes/restaurants, takeaways, public house, village hall, recreation ground and open space, children's play areas, train station etc. within Hamstreet. There are bus stops located within walking distance of the site. Therefore, the site is not regarded as being physically isolated from services and is sustainably located hence the Inspectors acceptance of this site allocation without modification to the site area or indicative capacity and the adoption of the policy in the local plan accordingly.

Landscape character & visual amenity

33. Policy SP1 of the adopted Ashford Local Plan 2030 sets out core principles for development within the borough. This includes focusing development at accessible and sustainable locations which utilise infrastructure, facilities and services wherever possible. It also seeks to conserve the borough's natural environment / biodiversity; create high quality designed places; is sustainably sited; meet the housing needs / mix for the Borough and ensures development is resilient to and mitigates climate change amongst other things.
34. Policy ENV3a of the Local Plan covers landscape character and design and sets out criteria that developments should seek to conform to in order to protect the landscape setting and minimise the impact of development.
35. The site comprises part of a field in use for agriculture. With the exception of trees and hedgerow, which predominately align the perimeter of the site, there are few landscape features except the hedgerows and mature trees.
36. The site lies within the Old Romney Shoreline Settlements Landscape Character Area where the condition is rated as good and sensitivity high. The overall guidelines are to conserve:-
- Conserve the rural, prominent backdrop to the Romney Marsh

- Conserve the open, rural character of the south facing slopes which run down onto the expansive low lying farmlands of the marsh
- Conserve the small scale of settlements and avoid further enlargement
- Conserve vernacular style buildings
- Conserve the historic churches which mark the old shoreline, their prominence within settlements and within views from the surrounding landscape
- Conserve the narrow, winding highways and avoid road widening
- Conserve wide, open views across the Romney Marsh to the south
- Conserve and appropriately manage woodland to the west, and hedgerows
- Avoid further agricultural intensification
- Maintain the lack of large scale development

37. The site directly fronts Warehorne Road and is separated from it by well-established hedgerow. There is currently a farm access into the field. Views of the site from Warehorne Road would be prominent but very localised. The fact that the site lies between the railway and the A2070 which are both considerably higher prevents medium / long range views of the site from the east and west. There will be fleeting views of the site from the users of the A2070 although the traffic will be travelling at speed. There will also be brief views from train users. There is no defined boundary to the north of the developable part of the application site. This allows for a comprehensive landscaping scheme to be implemented to mitigate longer range views from the north. This will be further softened by the open space to be provided to the north for informal recreation and ecological enhancements as well as providing a substantial buffer the ancient woodland and local wildlife site. There are no PROWs running through the site and the immediate network of PROWs are in the main to the west of the A2070 and therefore views of the site would not be possible from these.
38. Landscaping is a reserved matter however an indicative landscape master plan has been provided (this still shows 70 dwellings but would not be approved should outline planning permission be granted). This shows native tree and hedge planting within the site and the replacement of the hedgerow to Warehorne Road which is required to be removed in order to gain access to the site and provide the required visibility splays. A woodland buffer would be provided adjacent to the A2070 as well as adjacent to the sewage works and the northern boundary of the developable part of the site. It is likely that the latter will need bolstering over what is currently

depicted to help to assimilate the development into the landscape. The indicative landscaping to the northern boundary of the developable part of the site is inadequate. This will need to be shown as a significantly bolstered landscape buffer. Subject to this being demonstrated at the reserved matters stage then the proposal would meet the objectives of criteria d) & e) of policy S57. The northern field is also proposed for extensive landscaping and woodland as well as ecological enhancement. Currently this is an agricultural field and the inclusion of this land in the application site for the purposes stated would not cause any harm in visual terms to the character and appearance of the countryside. A wetland area is proposed to the eastern part of the site which lies within flood zones 2 & 3. This area had no buildings proposed in line with criterion f) of policy S57.

39. The submitted landscape and visual impact assessment states that the development would have a moderate effect on the landscape and would provide opportunity for considerable amounts of landscape, tree and hedge planting. It also states that the overall impact would be minimal once the landscaping has been established. This is a fair assessment.
40. Layout and appearance are also reserved for future consideration. What is currently indicatively shown is very suburban hence removal of reference to 70 dwellings in the description. Subject to a sensitive layout that reflects this edge of village location, good design, restricting development to two storey in form and ensuring a substantial and robust landscape buffer to the northern boundary of the developable area then the overall impact of the development on the wider landscape will be minimal. I do not consider that the development would cause significant of demonstrable harm to the visual amenity of the area.
41. I am satisfied that the proposals would comply with development plan policies which I have referred to which seek to protect the countryside and landscape character. In addition, the proposals are considered to broadly reflect the landscape objectives set out in parts d) & e) of draft policy S57 of the Local Plan (with the exception of the treatment to the northern boundary), which, amongst other things requires development proposals for this site to retain and enhance the hedge and tree boundaries around the site particularly with the adjoining countryside.

Design, Layout and Impact on the setting of Hamstreet conservation area

42. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town & Country Planning Act 1990 (as amended), it is the Council's statutory duty and obligation to have regard to the preservation and/or enhancement of heritage assets such as conservation areas and listed buildings and their setting.
43. Policy ENV13 states:

“Proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.

Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.”

44. Policy ENV14 deals with development in conservation areas and also their setting. It states that inappropriate development will be resisted where such proposals would be detrimental to their character and setting.
45. The above is supported by the guidance contained in the NPPF under paragraph 193 which seeks to ensure that the impact of development on heritage assets is considered against the significance of the heritage assets. Great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to the significance of a designated heritage asset including development within its setting, should require clear and convincing justification. Paragraph 196 goes on to outline where the harm caused by the development is less than substantial, this harm should be weighed against the public benefits of the proposal.
46. Policy S57 and the preamble to this policy reinforces the need for a high quality of design paying particular attention to the site frontage with Warehorne Road and the norther boundary with agricultural fields.
47. The impact on the landscape has been discussed above. Layout, scale, landscaping & appearance are all reserved matters. The indicative layout shown is not acceptable as it appears too uniform and suburban for this edge of village location. Further the open space within the development is not of sufficient size or in an appropriate location.
48. In respect of the impact on the conservation area, this designation lies to the east of the site and is separated from this site by the raised railway line. There would be no views of the development from the conservation area due to the topography of the land and existing landscaping and infrastructure. The character of the landscape on the approach to the conservation area from the west would change, however a well designed scheme of an appropriate density for this edge of village location would cause less than substantial harm / no harm and the public benefits that the scheme would deliver in boosting the supply of housing and bringing forward a site proposed for residential development in a timely manner to help sustain the Council’s 5 year housing land supply (as well as the economic benefits

through the construction phases and occupation) would outweigh any harm that may occur.

Impact on residential amenity

49. The NPPF and adopted development plan both require that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
50. Whilst the exact quantum of development is not being applied for and layout is reserved for future consideration, the only potentially affected properties would be those to the south fronting Warehorne Road. Whilst the separation distances between these properties and any new development would ensure that the development does not cause any unacceptable overlooking or appear overbearing / oppressive there will be impact from vehicles utilising the access onto Warehorne Road and the extra traffic generated along Warehorne Road. At present the access is for agricultural purposes only and therefore would generate infrequent and low levels of traffic. It is also sited further to the east compared to the proposed access. The existing access currently has almost no impact upon dwellings in close proximity. The position of the new access is dictated by highway improvements and sightlines and is much closer to Prospect Place / Cottages. Whilst I am sympathetic with the concerns raised in regards of this, the site (from the Transport Statement submitted) is anticipated to generate 330 two way trips over a 12 hour period with 37 trips in the am and pm peaks (based upon 70 units being accommodated on the site). This averages at less than 30 trips per hour which is not considered significant. KH&T has confirmed that the trips between the site and Ashford Road would be 23 in the AM & PM peak times. The proposed development will have some adverse impact upon the residential amenity of existing residents fronting Warehorne Road but this would not be so significant to warrant the refusal of the application. The access has been provided in the location as indicated in the proposals map for policy S57.
51. Concerns have also been raised by residents fronting Ashford Road as the proposed pedestrian / cycleway to link the development through to Hamstreet Village would run immediately to the rear of their properties which currently forms part of an informal access for vehicles serving these properties. The track is not in the ownership of the occupants of these dwellings and it appears an informal arrangement. The location of this route where the existing track is appears to have derived from the scheme where a football pitch was proposed in the open space to the north. As this is not now to be the case it could be provided in an alternative location that is further away from the rear of these properties. This would be dealt with at the reserved matters stage (access routes through the site) and subject to this being achieved I do not consider the pedestrian / cycle route would cause demonstrable harm to the amenity of existing residents.

52. In terms of future residents the development will need to meet the Nationally Described Space Standards (as set out in Policy HOU12) for internal space and the requirements set out in the Council's Residential Space SPD and policy HOU15 for external amenity areas. This would be controlled by condition if permission is granted and again may ultimately impact upon the number of units that can be provided on the site in a satisfactory manner.
53. In terms of noise from the A2070 / railway line and smells from the waste water treatment works relevant surveys have been carried out recommending mitigation measures which can be secured by condition. Statutory consultees including Environmental Health and Southern Water are satisfied that the standard of amenity for all future residents on the site would be acceptable.
54. Overall I do not consider that the proposal would cause unacceptable levels of harm to residential amenity and that the proposal complies with criterion b) of policy S57.

Ecology / Impact on designated sites

Ecology

55. Policy ENV1 states that proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity. Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats... and networks of ecological interest... including.... water features, ditches, dykes and hedgerows, as corridors and stepping stones for wildlife. Where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in line with a timetable to be agreed with the Local Authority. Normally any mitigation measures will be required to be delivered on-site, unless special circumstances dictate that an off-site model is more appropriate. This reflects policy S57 (j).
56. The Conservation of Habitats and Species Regulations 2017 requires Ashford Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Ashford Borough Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three derogation tests when deciding whether to grant planning permission for the proposed development. The three tests are that:
 - Regulation 55(2)(e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".

- Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

57. In respect of the first test, the proposed development would not constitute a form of development which would be considered to be of overriding public interest. However, the proposal is in the main (developable area) an allocated site in the recently adopted Local Plan, therefore, in considering it against the second test outlined above, there is no satisfactory alternative to the development in this location.
58. In respect of maintaining the population at a favourable conservation status (test iii) the results of the Ecological Appraisal / surveys are summarised in the proposals section of this report and are comprehensive. The site itself along with buildings and structures are of low ecological value and this application offers the opportunity for this to be significantly enhanced both within the developable part of the site and the open space to the north of this also included within the application site. The surrounding area however are rich in terms of ecology and biodiversity.
59. The application has been subject to consultation with KCC Biodiversity. KCC are satisfied with the results of the surveys following the submission of a technical briefing note to support the initial ecological appraisal that was submitted. They are satisfied that no further survey work is required in respect of birds, bats, GCN, reptiles & dormice. They are satisfied that with precautionary mitigation measures the development would not adversely impact upon protected species or their habitat. They are also satisfied that subject to a suitable SUDs scheme then there would be no adverse impact upon surrounding waterbodies through pollution. They also suggest a condition to secure ecological and landscape enhancements through the sites and a management plan for these agreed. The requirements of Policy S57 (j) are satisfied.

Impact on designated sites

60. Policy ENV1 of the local plan states that developments that adversely affect the integrity of nationally or locally designated sites will not be permitted unless the benefits in terms of other objectives, including overriding public interest, outweighs the adverse impacts and there is no alternative acceptable solution. Policy S57 I) states that evidence should be provided to address any adverse impacts on the

biodiversity of the Dungeness, Romney Marsh and Rye Bay Ramsar site and how they can be avoided / mitigated.

61. The site in itself and land immediately adjoining is not a designated site for nature conservation. That said it is in close proximity to very sensitive sites including:
- The Dungeness, Romney & Rye Bay Ramsar site / SSSI which lies approx. 270m to the south of the site.
 - Orlestone Forest Local Wildlife site approx. 360m to the west of the site and the Orlestone Forest SSSI beyond this.
 - Stumbletree Wood Ancient Woodland immediately adjoining the far northern boundary of the site.
62. In respect of the environmental / ecological information submitted both Natural England and KCC Ecology are satisfied that there would be no adverse impact on these designated sites nearby. They are also satisfied that as the development proposes a significant area of open space to the north of the developable area and a smaller bit of public open space within the development, and provided these areas are appropriately managed, then this will help to mitigate any recreational pressure that may be generated by the development on these sites. The large area of open space to the north would also mitigate the impact on the adjacent ancient woodland as a woodland buffer is proposed for the final landscaping scheme which would minimise the potential for residents to access this woodland and again will mitigate any recreational pressure on it. The area will also include ecological enhancement. Appropriate SUDs (controlled by condition) will ensure no pollution of the surrounding drainage network again preserving the ecological value of these protected sites.

Ecology conclusion

63. Based on the information submitted and the responses received from KCC & NE, I am satisfied that the LPA has fulfilled its duty to appropriately assess the development under Regulation 9(5) of the Conservation of Habitats & Species Regulation 2010. Subject to conditions, the proposed development is not considered to result in any adverse impacts to matters of ecological importance in accordance with the relevant policies set out in European and UK law as well as in the adopted development plan and NPPF. I am satisfied that the proposals can comply with the ecological criteria set out in policy S57 j) & i).

Flood Risk / Drainage (surface & foul)

64. The majority of the site lies within flood zone 1. A small section (south east corner) lies within flood zones 2 & 3. No development is proposed in this area although the attenuation pond would be.
65. A Flood Risk Assessment (FRA) has been provided along with a drainage strategy. As all built development would be in flood zone 1 it is considered that any risk from tidal or fluvial flooding are low. The main risk of flooding would be from surface water flooding given that the development would significantly increase the amount of built development and impermeable area on the site. The FRA states that the surface water run-off will be dealt with at source, within the site through use of SUDs rather than discharging to the public sewer, to avoid any risk of flooding downstream. The FRA estimates that the potential area of impermeable surface would be approx. 1.37 hectares (based on 70 dwellings). Surface water will drain into a network on site before draining to an attenuation basin to the east of the site. From here the surface water will drain at a controlled rate (hydro brake) into the surrounding network of ditches and water courses. It is proposed that the attenuation pond will be dry for much of the time. Any silt etc. arising will be dealt with through the SUDs system before water is discharged from the site. The system will not be adopted by Southern Water and will be managed by a management company.
66. Following concerns raised by KCC Drainage and Natural England further drainage information was provided. This stated that the base of attenuation pond would be raised so a free outfall can be provided in times of flood. The size of the pond and its capacity has also been increased. It also confirms that the system will incorporate a number of treatment stages to ensure that the quality of the water run-off entering the drainage network off site is of an acceptable quality to avoid pollution of the surrounding areas.
67. In respect of the use of infiltration techniques the FRA sets out that the site is unlikely to be suitable for this and so the drainage system has been based on this being the case. The system is based on attenuation and discharge.
68. The EA, raises no objection provided no dwellings are sited within flood zones 2 & 3. KCC Drainage raise no objection subject to conditions requiring a detailed SUDs scheme being agreed, details of its ongoing maintenance being agreed and a verification report to demonstrate that the system has been installed as per the approved details.
69. The current strategy could make better use of more sustainable SUDs such as swales rather than underground pumps feeding into the attenuation pond. Layout is not for consideration at this stage and nor is the quantum of development. The SUDs scheme needs to be agreed either prior to layout being approved as a

reserved matter or at the same time as this as an acceptable and sustainable scheme could affect the layout considerably and SUDs should drive this and shouldn't be retrofitted to accommodate an approved layout. A condition to this effect is suggested should outline planning permission be granted.

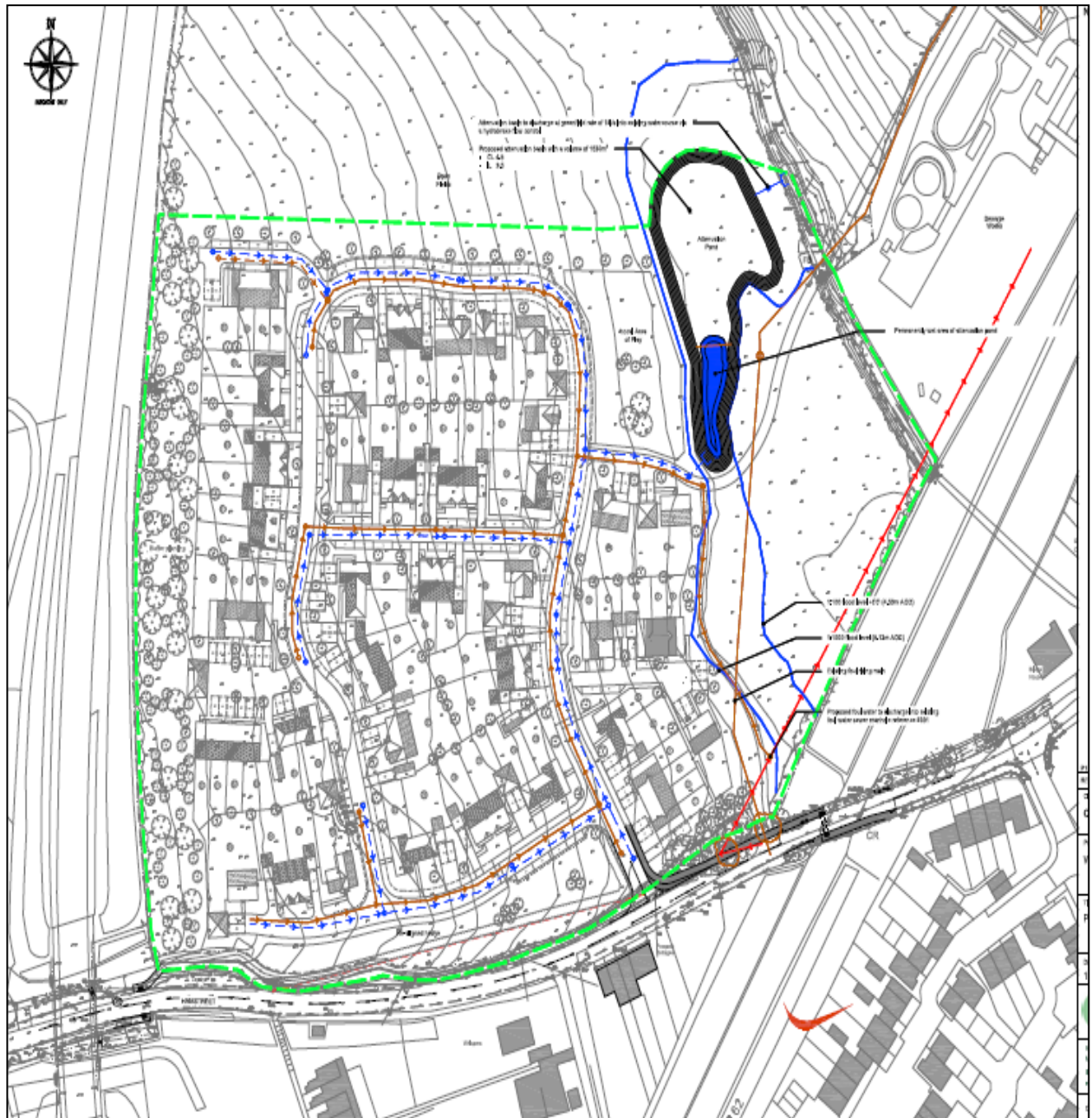


Figure 9 – Indicative details of proposed surface & foul water drainage system

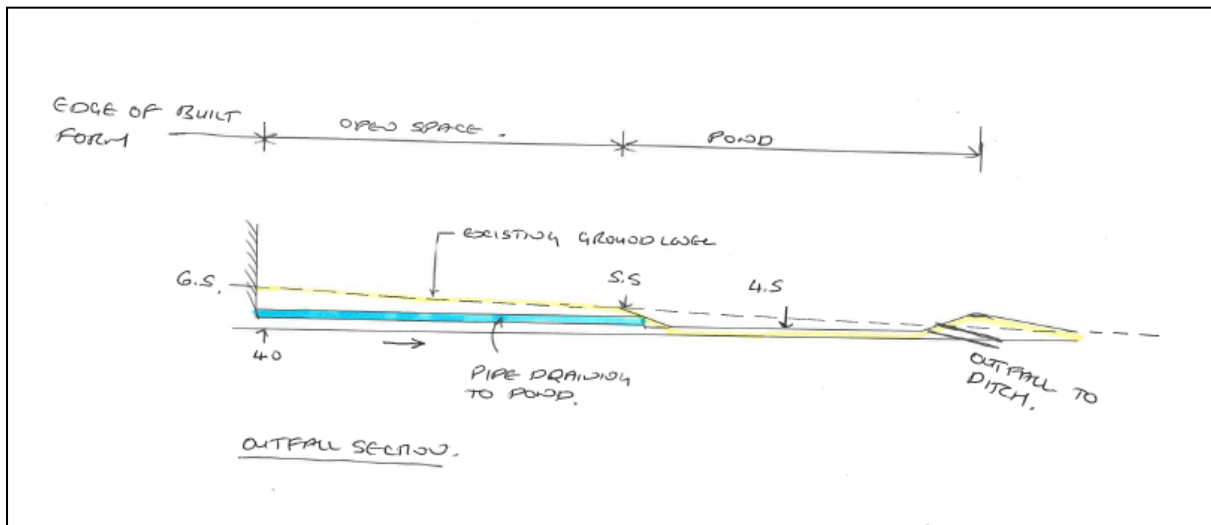


Figure 10: Indicative section through drainage pond

70. Foul water will drain into the existing sewer to the east of the application site. A level 1 capacity check will be required to ensure there is sufficient capacity in the existing network to service the development. It is likely that the system will need to be upgraded to service the development and SW raise no objection subject to this being done and secured by condition.
71. In light of the above I consider that subject to conditions the proposal will not result in any adverse flood risk and that drainage can be adequately accommodated on the site / surrounding networks. Criteria f) & i) of policy S57 are satisfied.

Odour

72. Hamstreet Waste Water Treatment Works (HWTW) lies immediately to the north east of the site. An odour survey was carried out, in response to comments made by Southern water, to ensure that an adequate level of amenity can be achieved for the occupants of the proposed development. The survey concludes that no new receptors (dwellings) would be adversely affected by virtue of smells.
73. Southern water initially commented to state that in the absence of an odour survey and appropriate modelling there should be an appropriate buffer of 500m around the HWTW to ensure occupiers of new dwellings are not adversely affected. A 500m buffer would mean that the entire site would not be suitable for residential development. As a consequence the applicants carried out an odour survey and appropriate modelling. Southern Water were re-consulted based on this information and raise no objection and request no conditions in respect of odour. The prevailing wind is from a south westerly direction meaning that the HWTW is downwind from the proposed development. Policy 57 b) is therefore satisfied.

Contamination

74. A Phase 1 Contamination Assessment has been submitted in support of the application. This identifies that the land has never had any buildings on it although localised iron ore mining may have taken place historically to the south. Significant developments (including infrastructure i.e. A2070 and the railway line) have taken place adjacent to or in close proximity to the site which could have resulted in some contamination. Further the spraying of crops with fertilisers and pesticides could have also resulted in some contamination. The report considers however the site has a low to moderate risk to human health. That said, and what is normally the case, because there is the potential for some contamination then a Phase 2 Intrusive Site Investigation is recommended along with appropriate mitigation.
75. The Environmental Protection Team has been consulted in respect of these issues and raise no objection subject to the imposition of conditions requiring further investigation and where appropriate mitigation measures and verification report and also a condition covering contamination that is later found and not contained in the initial investigation.
76. In terms of ground pollution the SUDs scheme proposed would in principle (final design to be agreed via condition) prevent pollution of ground water and nearby European and locally designated ecological sites. Foul water will require the need to upgrade local infrastructure. The proposed development would increase the flows into the waste water sewerage system and without adequate capacity would increase the risk of pollution. Southern water are satisfied that a capacity upgrade is feasible and as such raise no objection subject to details of this being agreed prior to the commencement of development and the development thereafter being carried out in accordance with the approved details.
77. In light of the above I do not consider that the application is unacceptable in respect of contamination.

Noise

78. Paragraph 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location and should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new developments and avoid noise giving rise to significant adverse impacts on health and the quality of life.
79. A noise assessment was required as part of this application due to the site being sandwiched between 2 major pieces of infrastructure namely the A2070 and the Ashford – Hastings railway. Unsurprisingly the assessment identified that the A2070 carries relatively high volumes of traffic including HGVs during the day whilst the volume of traffic using Warehorne Road is low.

80. Noise measurements were taken 25m in from the A2070 over a 24 hour period (Wednesday – Thursday). Average noise levels across this period were 61dB during the day and 54dB at night with the maximum noise reading taken during this period being 67dB. In order to bring noise levels down to an acceptable standard both within habitable rooms and external amenity areas attenuation measures are proposed. A higher grade of thermal glazing is proposed for the affected properties and that these be sealed with no trickle vent. Alternative ventilation is also sought should occupants wish to keep windows closed to reduce noise impact. For external areas 1.8m high solid closeboard fencing is proposed to mitigate noise. Landscaping between the boundary of the developable areas and the A2070 will further mitigate noise. It is proposed that this be bolstered when landscaping is considered at the reserved matters stage.
81. The Council's Environmental Protection Team has raised no objection to the development subject to the imposition of conditions which ensure internal and external noise levels remain within an acceptable range to ensure that the future residents do not experience unacceptable levels of amenity through noise. This is in line with guidance set out in the NPPG. Arguably part of this site would fall into the category where noise could be noticeable and intrusive without mitigation. The NPPG does not advise that development should not take place in these locations but that there should be mitigation to reduce noise to a minimum. A large part of the site is likely to fall within the category where noise can be heard but is not intrusive and there is not likely to be any adverse effect and no mitigation is required. I therefore consider that there would be no unacceptable conflict between the development and existing and potential noise sources that cannot be adequately addressed by conditions to ensure an acceptable internal and external living environment for the future residents of part this development. Consequently I do not consider there to be grounds to oppose this application for reasons of noise.

Transport / Highway safety

82. Policy TRA7 of the adopted Ashford Local Plan 2030 relates to transport impacts, and amongst other things states, that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. It states that it is for the applicant to demonstrate that the road network can accommodate the proposed development taking account of the types of vehicle movements as well as the number.
83. Access arrangements in this application primarily relate to the vehicular access point from Warehorne Road and associated highway improvements and the pedestrian / cycle access onto Ashford Road (a requirement of policy S57 c)). Details relating to roads and routes through the site are for consideration at the reserved matters stage.

84. Vehicle access to serve the development will be achieved via a new access from Warehorne Road. This has been designed taking account of the proposed extension to the 30mph zone along the frontage of the site (currently this starts just before the railway bridge upon entering the village).
85. Currently there is no footpath along the frontage of the site to link the development site to the village. It is proposed that a 1.8m wide footpath be provided to the left hand side of the access and running along the front of the site up to the railway bridge. The highway verge narrows at this point so it is not possible to continue with the path beyond this point. It is proposed to put in a signaled crossing at this point to control traffic and also to provide a safe point of crossing for pedestrians to connect to the existing footpath on the other side of the road.

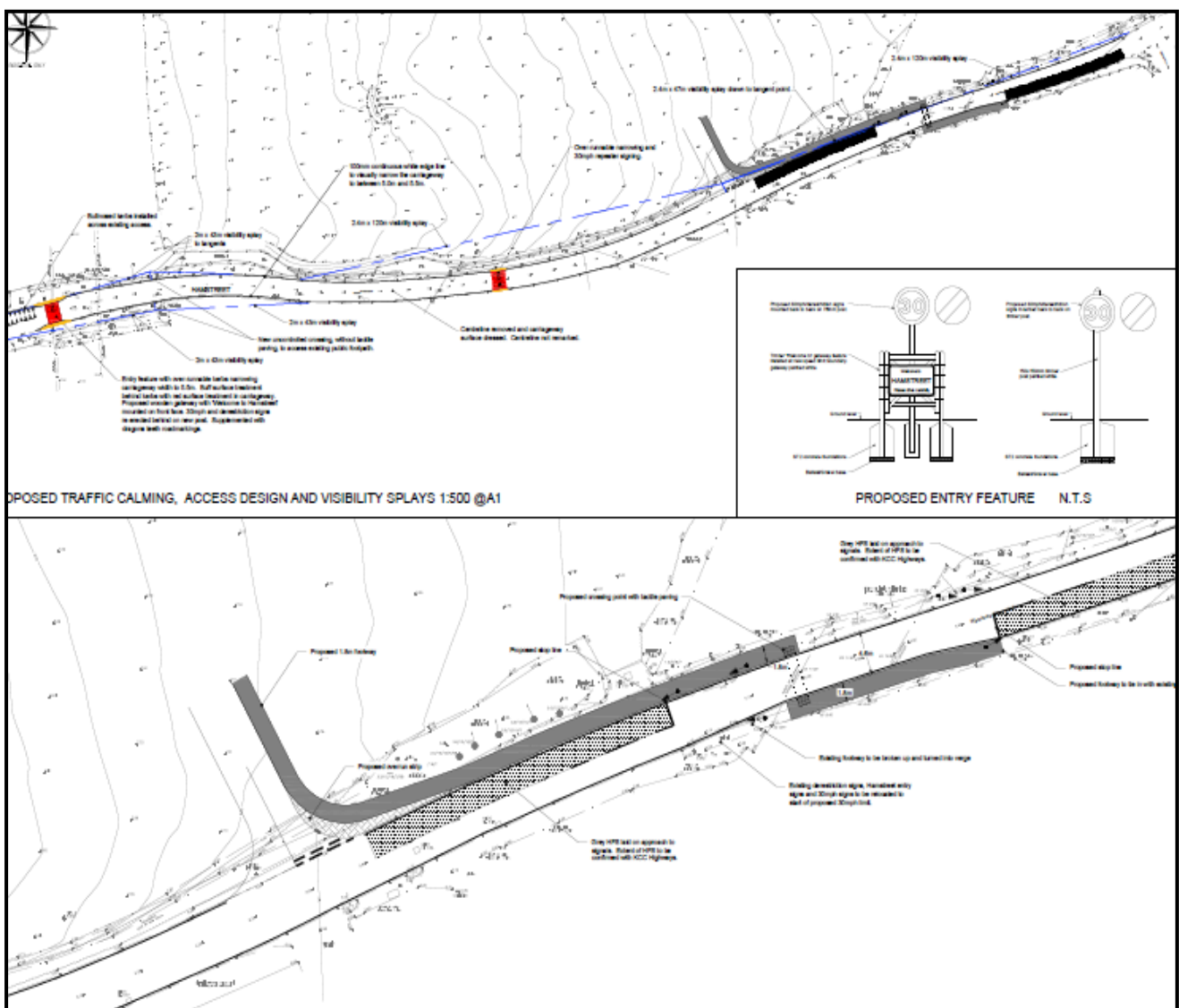


Figure 11 – Details of access and proposed highway works

86. The access ways through the site including the pedestrian / cycle route which would run through the northern part of the site and exit onto Ashford Road is not for consideration at this stage. The point of exit of the cycleway / footway on to Ashford Road is however for consideration.
87. The transport assessment submitted is based on 70 units being provided on the site which was the maximum number originally sought under this application. In reality the development may contain a fewer number if an acceptable development is to be achieved. Details of this are set out in the proposals section. Swept path analysis has been provided for refuse vehicles, emergency vehicles and pantechnicans as shown below:
88. Sightlines of 2.4m x 120m are to be provided in both directions where the new access is proposed. The assessment goes on to state that the site is sustainably located with good access to rail and bus routes as well as being a short walk from local amenities. Parking provision will be in line with local policy. The site is anticipated to generate 330 two way trips over a 12 hour period with 37 in both the am and pm peaks (23 between the site access and the Ashford Road junction). This averages at less than 30 trips per hour which is not considered significant.

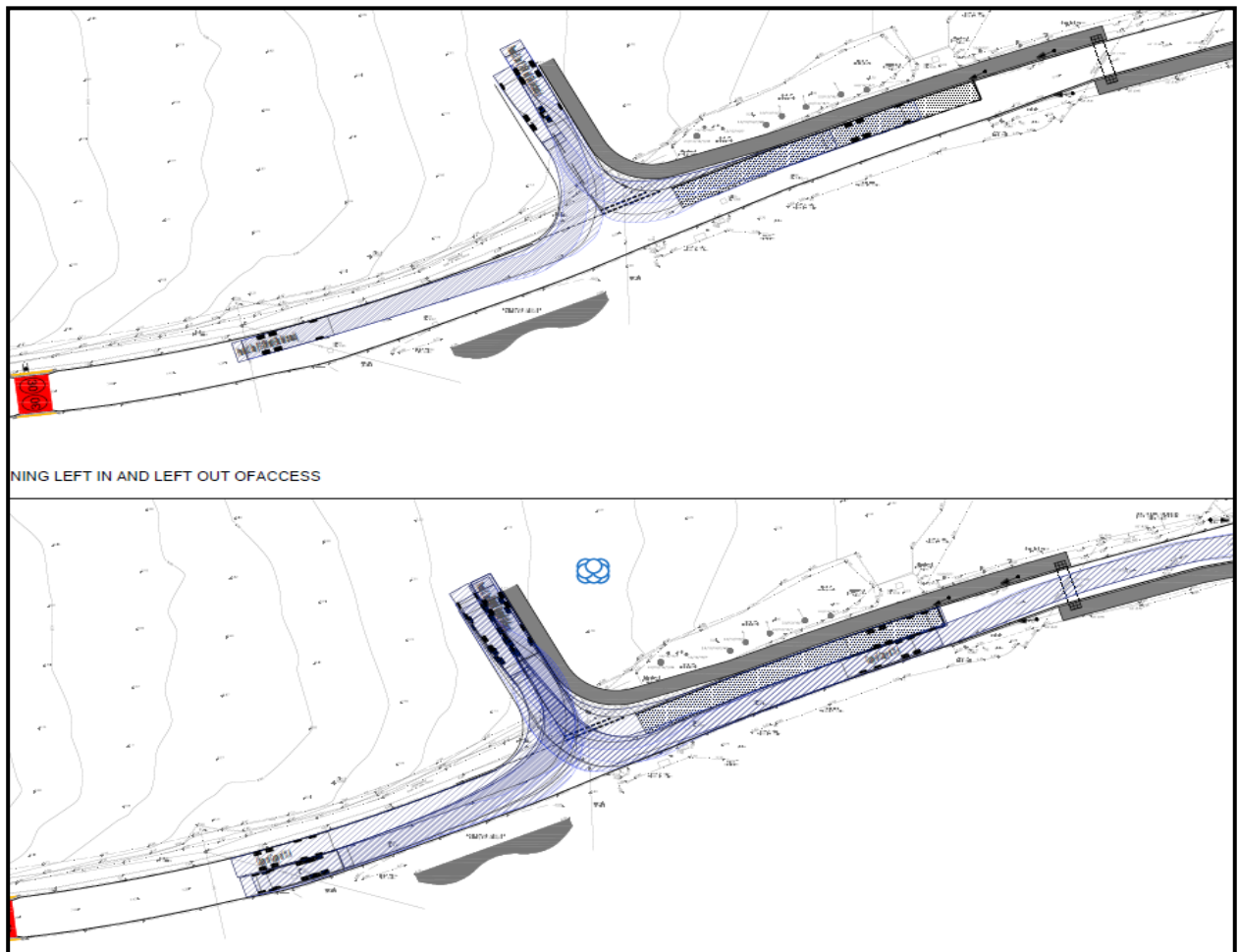


Figure 12: Vehicle tracking at the new entrance to the site

89. The assessment also states that currently Warehorne Road (following an Automated Traffic Count) has approx. 1534 east bound vehicles and 1472 westbound vehicles over a 12 hour period (7am-7pm). The proposal would add up to 37 trips to this per hour which is not deemed significant. Traffic modelling demonstrates that the surrounding highway network has sufficient capacity to service the development including the staggered crossroads at Hamstreet. The implementation of shuttle signals will help to regulate traffic and prevent backlogs of traffic building up at the junction with Ashford Road. The road at this point would go down to a single lane. This has been assessed by the Traffic Signals Team and deemed acceptable. This combined with the extension of waiting restrictions along this road will help to alleviate the buildup of traffic and congestion.
90. Following a number of amendments to the access KH&T are satisfied with the works proposed to create the access and footpath, extend the 30mph speed limit, extend the waiting restrictions and the signaled crossing point at the railway bridge.
91. Adequate parking within the development for residents and visitors as well as cycle parking, that complies with the Council's SPD and adopted policies TRA3(a) and TRA6, can be secured by condition should planning permission be granted.
92. Concerns have been raised in respect of the pedestrian / cycleway exiting onto Ashford Road to the north east of the site. There is a change in levels from the site to Ashford Road with the access sloping down towards the latter. Concerns relate to cyclists being endangered as a result. The current access serves the rear of Orlestone Villas on an informal basis. This is to continue. The cycleway would be segregated from this road with barriers at the junction to Ashford Road to slow down. This is set out below and is considered acceptable to address these concerns:

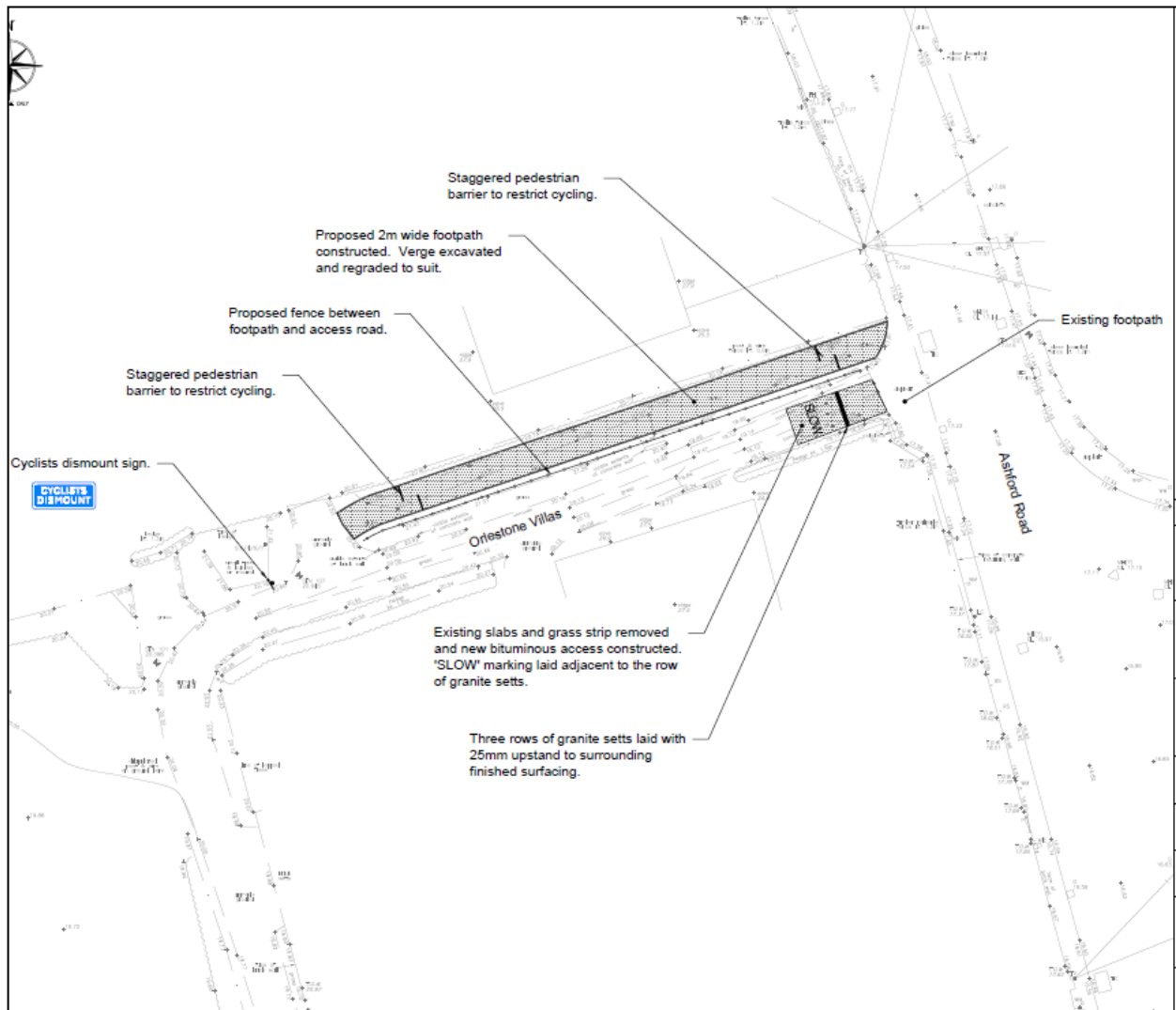


Figure 13 – Details of the pedestrian / cycle and vehicle access onto Ashford Road

93. For the reasons set out above, the proposed development is not considered to be harmful to highway / pedestrian safety and would meet the requirements of policy S57(c).

Housing Mix and Affordable Housing

94. Although the exact housing mix is not for consideration at this stage, and will be dealt with at the reserved matters stage, it is proposed that the development will provide a housing mix of 2, 3 & 4 bedroom houses. The mix would accord with policy HOU18 of the adopted Local Plan and can be conditioned to meet local housing need.

95. In respect of affordable housing, under policy HOU1 of the adopted Local Plan, this would require the development to provide 40%. The 40% would need to consist of 10% of total number of units as Affordable/Social Rented and 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.
96. The affordable housing element will be secured as such in perpetuity through the S106 Agreement.
97. Policy HOU6 requires a proportion (5%) of the dwellings to be delivered as self-build units on sites of more than 20 units. This can be secured through S106 agreement and is outlined in Table 1 as required by the policy.
98. Policy HOU14 (criterion a) applies in this instance. This relates to accessibility standards requiring 20% of the homes to be built to a higher building regulations standard. Again this can be secured through S106 agreement and is outlined in Table 1 as required by the policy.
99. In light of the above I consider the proposed housing mix and the affordable housing element to be acceptable in principle.

Environmental Impact Assessment

100. The development falls within the development listed in Column 1, Schedule 2 of the Town & Country Planning (Environmental Impact Assessment Regulations) 2017.
101. The development falls under part 10(b) of Schedule 2 which covers urban development projects. The threshold for an EIA in this section for residential development is 150 dwellings or if 'the overall area of the development' exceeds 5 hectares. Due to the extensive area of open space to the north being within the application site, the site area is 6.2 hectares. That said the area of the development itself is considerably less than 5 hectares and as such the proposals fall below the relevant thresholds for EIA development as set out in schedule 2. The development does not fall under Schedule 3 'sensitive areas' which would include SSSI, AONB etc. As such it is not considered that the proposed development is EIA development and therefore an Environmental Impact Assessment is not required.

Other matters

Socio/Economic benefits

102. The proposed development would create an economic benefit from construction, with employment for contactors, local tradespeople, their spending in the local area and in the supply chain. Whilst for a temporary period this would have some benefit.

103. The increase in the local residential population would increase expenditure in the local economy as this would comprise some people who have moved from elsewhere. However, no evidence has been submitted to suggest that local shops are struggling through a lack of custom.

Whether planning obligations are necessary

104. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
105. The site allocation policy S57 (g) clearly states that it is required to provide appropriate contributions towards the provision, management and maintenance of related community facilities and infrastructure. These are set out in Table 1 below which sets out the heads of terms for the S106 Agreement.
106. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.
107. At a proposal for 10 or more dwellings the development would trigger a requirement to provide 40% affordable housing split into the mix as set out in the report. 20% of the dwellings shall be built to higher accessibility standards (Part M4 (2) of the Building Regulations). 5% of the dwellings will be reserved for custom or self-build.
108. KCC have requested a contribution towards projects at a primary school and secondary school, additional book stock for libraries, Social Care, Youth Services and Community Learning.
109. The Council have identified projects for offsite contributions in accordance with the Public Green Spaces and Water Environment SPD although some projects are still yet to be confirmed. Informal open space is to be provided on site at a size of 0.34 hectares.

110. The NHS Canterbury and Coastal and NHS Ashford Clinical Commissioning Groups has requested S106 contributions towards the extension / improvement of Hamstreet Surgery.
111. None of the projects identified have pooled more than 5 developments. Should projects not be identified for some of these potential contributions or indeed some projects get amended then delegated authority is requested to amend the S106 agreement accordingly.
112. The Parish Councils have requested contributions towards a new village hall and are in the process of costing up a project. Policy S57 does not require the delivery of or contributions specifically towards a new village hall or refurbishment of the existing. In addition, a development of this size would not normally require such a contribution in addition to those outlined in Table 1. It may however be possible to forgo some of the community facility based contributions set out in Table 1, in this instance, for a contribution towards the village hall subject to this meeting the tests set of in the CIL Regulations. I would therefore request delegated powers in respect of S106 contributions to explore this further with the Ward Members and Parish Councils within a reasonable timeframe.

Table 1

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
1. Affordable Housing Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the	40%	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1 & HOU1 of the Local Plan 2030, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>

	registered provider's nominations agreement.			
2.	<p><u>Accessible Housing</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>In accordance with policy HOU14 part a).</p>	Provide on-site 20% of all units.	Prior to first occupation of any dwelling to be built in accordance with the standard.	<p>Necessary as would provide accessible housing pursuant to SP1, HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p>Directly related as accessible homes for those with reduced mobility would be provided on-site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
3.	<p><u>Self & Custom Built Development</u></p> <p>No less than 5% of the dwellings to be custom self build.</p> <p>In accordance with policy HOU6</p>	5%	None	<p>Necessary as would provide housing for those who are not able to otherwise self and custom build pursuant to Ashford Local Plan 2030 policy HOU6 and guidance in the NPPF.</p> <p>Directly related as the housing would be provided on-site in conjunction with open market housing.</p>

				Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.
4.	<p><u>Children's and Young People's Play</u></p> <p>Contribution towards an outdoor gym and play provision at Pound Lees recreation ground</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

5.	<p><u>Informal/Natural Space</u></p> <p>Provision on site to the value set out in the adjacent column.</p> <p>(Amount dependent on the number of units provided on the site)</p> <p>To be maintained through a management company.</p>	<p>£434 per dwelling for capital costs £325 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as improvements to the informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
6.	<p><u>Outdoor Sports</u></p> <p>Contribution towards an outdoor gym and play provision at</p>	<p>£1,589 per dwelling for capital costs</p>	<p>Before completion of 75% of</p>	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated</p>

	<p>Pound Lees recreation ground</p>	<p>£326 per dwelling for maintenance</p>	<p>the dwellings</p>	<p>and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
<p>7.</p>	<p><u>Strategic Parks</u></p> <p>Contribution towards the seating and shelter provision around the lake at Conningbrook Country Park, as part of the public art project.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2, IMP1 & IMP2, Public Green Spaces and Water Environment</p>

				<p>SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
8.	<p>Allotments</p> <p>Provision of running water at Hamstreet allotments</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for future maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will</p>

				<p>use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
9.	<p>Cemeteries</p> <p>Contribution towards the upkeep of the cemetery at St Mary's church</p>	<p>£288 per dwelling for capital costs</p> <p>£1766 per dwelling for future maintenance</p>	<p>Before completion of 75% of the dwellings</p>	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will require cemeteries and the cemetery provided would be available to them.</p> <p>Fairly and reasonably related in</p>

				scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
10	<p>Primary Schools</p> <p>Project: Towards Phase 1 expansion of Hamstreet Primary School</p>	<p>£3,324 per applicable house</p> <p>£831 per applicable flat</p>	<p>Half the contribution upon occupation of</p> <p>25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary. The proposal would give rise to an additional 38 primary school pupils. There is no spare capacity at Charing school and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based</p>

				on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
11	<p><u>Secondary Schools</u></p> <p>Project:- Towards Phase 1 Norton Knatchbull 1FE expansion</p>	<p>£ 4115.00 per applicable house</p> <p>£1,029.00 per applicable flat</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.</p>

12	<p>Libraries</p> <p>Contribution for additional bookstock at libraries in the Borough.</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.</p>
13	<p>Health Care</p> <p>Extension / refurbishment / upgrade of Hamstreet Surgery</p>	<p>£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1,008 for each 3-bed dwelling £1,260 for each 4-bed dwelling £1,728 for each 5-bed</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>Necessary as additional healthcare facilities required to meet the demand from additional occupants that would be generated pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF.</p> <p>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be</p>

		dwelling or larger		available to them. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.
14	Community Learning Project:- Equipment for the new Chilmington Adult Learning Classroom	£34.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	Necessary for community learning space available to meet demand that would be generated (and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF. Directly related as occupiers will use the community learning and skills service. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.
15	Youth Services Project:- additional equipment at Kingsnorth outreach	£27.91 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on	Necessary for youth services space available to meet demand that would be generated (3.6 clients) and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance

			occupation of 50% of the dwellings	in the NPPF. Directly related as occupiers will use the community learning and skills service. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.
16	Social Care Project:- Community wellbeing hub upgrade at Braethorpe, Ashford	£77.58 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	Necessary for social care available to meet demand that would be generated and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1 and guidance in the NPPF. Directly related as occupiers will use the community learning and skills service. Fairly and reasonably related in scale and kind considering the extent of the development and because the amount calculated, is based on the number of dwellings.
17	Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary	Necessary in order to ensure the planning obligations are complied with. Directly related as only costs

			thereof in subsequent years (if not one-off payment)	arising in connection with the monitoring of the development and these planning obligations are covered. Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.
Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs. If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.				

Human Rights Issues

113. I have also taken into account the human rights issues relevant to this application. In my view the "Assessment" section above and the Recommendations below represent an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

114. In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

115. The site is allocated for development in the adopted development plan under policy S57. This policy sets an indicative capacity of 50 dwellings (17 units per hectare). The application site is considerably larger than the site allocation to allow for a slightly larger developable area and provide a significant area of informal open space to the north which includes ecological mitigation. Initially the proposal sought up to 70 dwellings. Following concerns that it had not been demonstrated that 70 units could not be accommodated in a satisfactory manner on the site, and comply with the requirements of policy S57, reference to the quantum of development was removed from the description and the final number of dwellings accommodated on the site can be dictated through a design led approach at the reserved matters stage.
116. The northern boundary of the allocation cuts through the middle of an arable field and follows no existing field boundary and contains no hedgerow / trees. The slightly larger developable area would have no impact upon the historic field boundaries nor would it result in the development having a materially greater impact on the local natural environment. It would also allow for a considerable landscaping belt to be provided to help assimilate the development into the landscape when viewed from the north

117. The proposal complies with the criteria contained within policy S57 at this outline stage and the site will help to ensure that the Council maintains its 5 year housing land supply and is therefore in a better place to resist inappropriate speculative developments on sites not allocated in the plan.
118. Other material considerations include the benefits associated with the scheme which include its ability to help to boost the supply of housing in accordance with paragraphs 59 and 67 of the NPPF and its sustainable location. Other recognised social and economic benefits include enhancing the vitality of an existing rural community by virtue of its relatively sustainable location close to the built up confines of Hamstreet, delivery of affordable housing and economic benefits from construction and occupation.
119. I conclude that the proposed development, subject to the approval of the reserved matters and subject to the imposition of conditions, would not result in material harm to landscape character and neighbour amenity that would warrant refusal. The proposals would represent an appropriate form of development that would sit comfortably within its contextual setting.
120. The development, subject to conditions, would not materially harm matters of ecological interest, designated sites of nature conservation, highway safety, heritage assets or result in unacceptable flood risk.
121. Foul and surface water drainage can be adequately dealt with in accordance with the requirements of the NPPF, adopted development plan and SPDs.
122. In terms of noise, odour and contamination, again this would be addressed, subject to conditions, so that the site can be developed in an acceptable way.
123. My assessment of the various issues above indicate that minimal harm would arise as a consequence of residential development here and any incremental harm can be mitigated through the imposition of conditions / S106 Agreement. When balanced alongside the potentially positive social and economic impacts arising from the proposal, in my view the proposal would represent sustainable development. Sustainable development is at the heart of the NPPF and should be seen as the golden thread running through decision taking.
124. The proposal accords with the development plan as a whole. The fact the proposed development complies with the relevant criteria contained in policy S57, and other relevant policies in the adopted Local Plan, and would not result in unacceptable harm that would justify refusal of the proposal then in accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 & the NPPF (which requires that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise) I recommend that outline planning permission is granted.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in table 1, in terms agreeable to the Head of Planning & Development or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Planning & development or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions, and deleting planning obligations (in the event that no relevant project is identified) as she sees fit.

(B) Grant Outline Planning Permission

Subject to the following conditions and notes:

Standard

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application

Highways and Parking

3. Parking and cycle parking
4. Details of the provision cycle parking facilities
5. Provision of site access prior to occupation of any dwellings
6. Provision of footway to be constructed on the northern highway verge between the application site and the signalled crossing.
7. Provision of other highway infrastructure / works (i.e. signalled crossing) and speed reduction measures / waiting restrictions as shown on drawing 11520-T-01 Rev P10 prior to occupation of any dwellings
8. Car barns / PD restrictions
9. Provision of final wearing course
10. Construction Management Plan

11. Visibility splays
12. Details of speed restriction measures and segregation of the pedestrian / cycleway and vehicular access including levels and sections through and details of road markings and barriers and final surface finish.
13. Details of highway infrastructure / services
14. Details of final surface finish for roads, driveways, cycleways and footpaths and parking areas

Landscaping & Ecology

15. Landscape management plan
16. Landscape buffer to A2070, ancient woodland and to northern boundary of the developable part of the site
17. Landscaping scheme for the whole site
18. Arboricultural Impact Assessment and Tree Protection Plan
19. Boundary treatments including boundary treatment to separate recreation / ecological area to the north of the site and the agricultural land to the west
20. GCN, Reptile, dormouse and water vole mitigation strategy
21. Bat sensitive lighting plan
22. Ecological management plan
23. Scrub and hedgerow clearance
24. Ecological enhancements
25. Adoption management plan
26. Retention of trees & hedgerows

Drainage & Disposal of Foul water and flooding

27. SUDs layout
28. SUDs operation and maintenance manual
29. SUDs post completion Verification Report
30. Means of foul water disposal / upgrade of sewerage system

31. No dwellings or built development (other than attenuation pond in flood zones 2 & 3)

Residential

32. Space Standards – internal and external pursuant to policies HOU12 and HOU15.
33. Refuse storage details
34. Level thresholds
35. Electric car charging points
36. Water efficiency condition pursuant to policy ENV7
37. Provision of water butt to each dwelling
38. Dwellings used for C3 purposes only
39. Removal of PD rights for extensions and alterations and outbuildings
40. Dwellings to be 2 storey form only with any 2nd floor accommodation contained wholly within the roof
41. Architectural details for the dwellings

Others

42. Housing Mix
43. Broadband
44. Contamination and remediation / verification report
45. Archaeology
46. Levels / sections through the site
47. Standard approved plans condition
48. Standard enforcement condition

Notes to applicant

1. Working with applicant
2. S106 Agreement

3. Protection of birds under the Wildlife Act / protected species and habitats directive
4. Formal application to SW required to carry out public sewer connection. Attention drawn to comments made by SW dated 8 February 2018
5. Broadband
6. Requirement for highway consents

Application Number	19/00572/AS	
Location	30 – 32 High Street, Wye, Ashford TN25 5AL	
Grid Reference	5532 / 6793	
Parish Council	Wye and Hinxhill	
Ward	Wye	
Application Description	Change of use of 26 – 32 High Street to residential use to provide 6 dwellings, including demolition of flat roofed link attached to no. 32 demolition of single storey building and demolition of lecture theatre, and provision of landscaping and parking.	
Applicant	Mr D Maloney, Tele-Property Investments Ltd	
Agent	Mrs Welch, Hobbs Parker, Romney House, Monument Way, Orbital Park, Ashford TN24 0HB	
Site Area	0.16ha	
(a) 23/1S	(b) R	(c) KCC H&T X KCC Her X KCC Bio X Streetscene X

Introduction

1. This application is reported to the Planning Committee because it is sensitive. It is a duplicate application to application reference no. 19/00075/AS which is also included on this agenda. The applicants have appealed against non-determination of 19/00075/AS and as a result it cannot be determined by the Council. This duplicate application can be determined and forms the subject of this report.

Site and Surroundings

2. The site is situated on the south side of the High Street within the village conservation area and Kent Downs Area of Outstanding Natural Beauty. It comprises a number of buildings along the street frontage, including 32 High Street, a Grade II listed building, together with land to the rear. This land is occupied by an unused lecture theatre, a smaller outbuilding and areas of hard standing, previously used for parking.

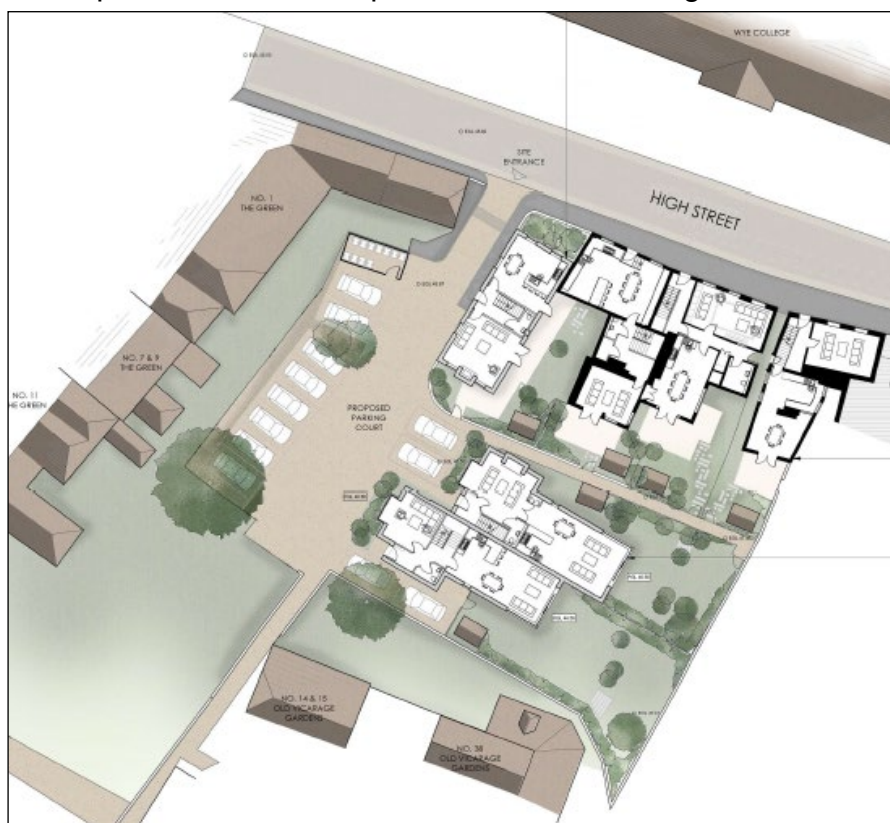
3. To the north of the site, on the opposite side of High Street, are the former buildings of Wye College, which are Grade I and II listed buildings. To the west of the site and fronting The Green is a terrace of historic buildings which back onto the site. These are mostly listed buildings, including at the corner of The Green and adjacent to the site access. The Old Flying Horse, now in residential use, is Grade II* listed and is situated immediately to the west of the site. To the east of the site, adjoining 32 High Street, the listed terrace extends to the corner of the street.



Figure 1: Site location plan

Proposal

4. This application is for the change of use of 26 - 32 High Street to residential use and the provision of three new dwellings to provide 6 dwellings in total including demolition of the flat roofed link attached to No 32, demolition of single storey building and demolition of lecture theatre, and provision of landscaping and parking.
5. It involves the conversion of the three existing frontage units – annotated on the plans as units 1 - 3 - to residential use to provide 2 x 3 bed units and 1 x 2 bed units. These units would have small, south facing cottage gardens with rear pedestrian access.
6. A new frontage unit – unit 4 - would be provided on the part of the site currently occupied by the lecture theatre, which is proposed for demolition. This 2-bed unit would have a rear south facing garden, also with pedestrian access.
7. Two further units, both 2-bed, are proposed on the part of the site behind the main building frontage together with space for parking of 12 cars.
8. A GIS plan and site block plan are included in Figure 2 below.



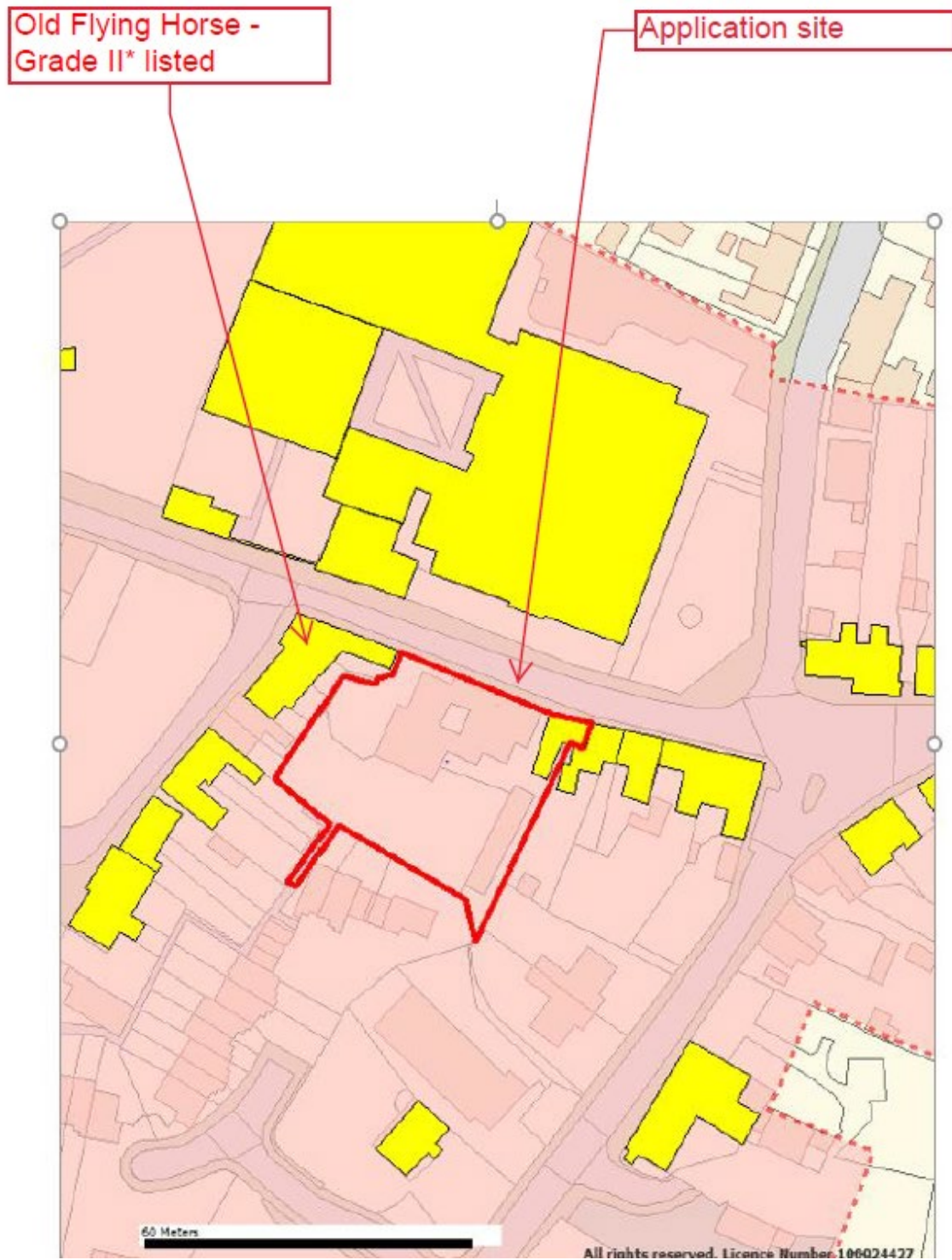


Figure 2: Site block plan and GIS Plan

9. Some of the elevations and plans for the current scheme are set out below.

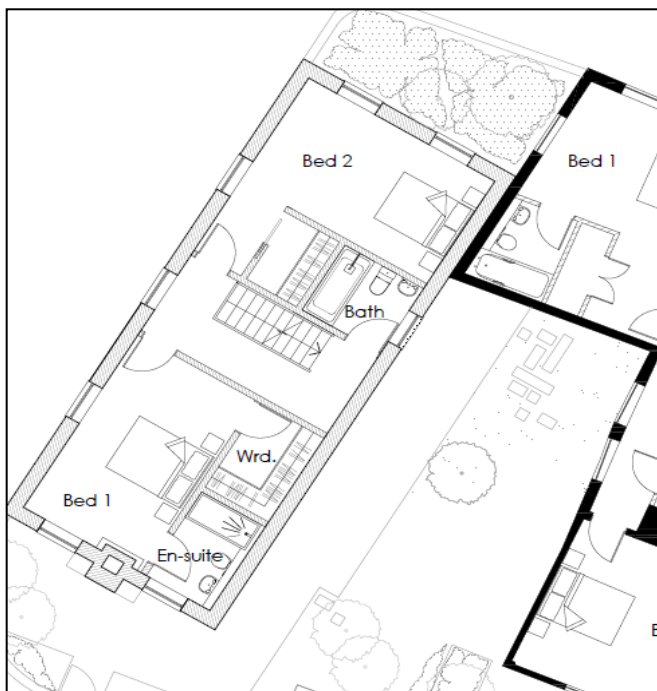


Figure 3: Proposed new unit 4 in plan (ground floor); Proposed new unit 4 in plan (first floor)

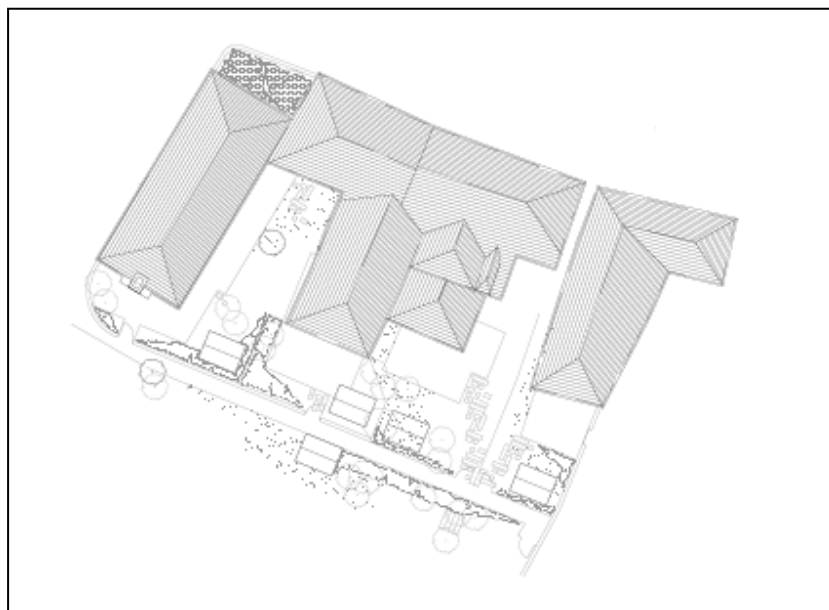


Figure 4: Roof plan of existing frontage units and proposed unit 4.



**Figure 5 (above): Street frontage showing existing units 1 -3 and new unit 4.
(below) Rear elevation.**



Figure 6: West elevation (above) showing ‘frontages’ of units 4, 5 and 6 and east elevation (below) showing rear of units 5 and 6.

Planning History

16/01140/AS Change of use of 26 - 32 High Street to residential use to provide 6 dwellings, including demolition of flat roofed link attached to no. 32 and demolition of lecture theatre and provision of landscaping and parking. REFUSED & DISMISSED ON APPEAL

16/01141/AS LB Conversion of 32 High Street to residential including demolition of attached flat roof link, removal of rear window and wall on ground floor and replacement with doors, blocking up of existing external doors with bricks, removal of existing door and wall on ground floor, addition of partition wall/doors on ground and first floor. GRANTED

17/00075/AS Change of use of 26 - 32 High Street to residential use to provide 6 dwellings, including demolition of flat roofed link attached to no. 32 and demolition of lecture theatre and provision of landscaping and parking. There is an appeal currently with the Council AGAINST NON-DETERMINATION

17/00076/AS LB Conversion of 32 High Street to residential including demolition of attached flat roof link, removal of rear window and wall on ground floor and replacement with doors, blocking up of existing external

doors with bricks, removal of existing door and wall on ground floor, addition of partition wall/doors on ground and first floor. GRANTED

Consultations

Ward Member: The Ward Member is a member of the planning committee

Parish Council: Supports the conversion of units 1, 2 and 3, but strongly objects to the proposed new units 4, 5 and 6 which constitute overdevelopment of the site and would cause considerable harm.

The PC stresses that heritage assets of local and international value must be protected and that great weight should be given to conserving these “irrespective of the degree of potential harm to the significance” quoting a 2014 Court of Appeal decision.

It goes on to say that the reiterations do not show a sincere or adequate response to the appeal decision, nor do they reflect the great weight and importance accorded to heritage assets. Nor do they mitigate the proposed development’s harmful effects, most notably on:

- The setting of the Old Flying Horse, a Garden II * listed building;
- The preservation and enhancement of the character or appearance of other heritage assets, notably the Grade I and II* Wye College and the Wye Conservation Area;

(HP&D comment on the above: See later sections in this report on Impact on Heritage assets/Visual amenity).

- The overbearing effects of the proposed unit 16 on the living conditions of the occupants of 16 Old Vicarage in terms of outlook where the relocation of unit 6 has merely transferred its overbearing impact to 14 and 15 Old Vicarage Gardens. Unit 6 is subject to greater overlooking and loss of private amenity space as this is directly overlooked by 16 Vicarage Gardens.

It also highlights how the description of development is misleading in that Nos 26 and 28 High Street are not within the owner’s ownership and are therefore not part of the application site. (HP&D Comment: The site description reflects the numbering used by the former college and is consistent with the previous planning application. It is recognised that the numbering on this side of High Street is confusing but the site plan clearly shows what units are included within the site).

The Parish Council supports in principle the proposed change of use of the three existing units on the frontage subject to:

- A sensitive and high quality approach to the reuse and repair of the fabric;
- The provision of larger gardens for units 1, 2, and 3 that complement and are proportionate to the living spaces and reflect the status of these Georgian and Regency dwellings and their former gardens to enhance the Wye CA;

(HP&D Comment: The Inspector took the view that the bringing back into residential use of these historic buildings outweighed the need for these units to have gardens which met minimum space standards. The gardens are all south facing with rear access, providing usable private amenity space.)

- Conditions to restrict materials to ensure that these repair works are high quality.
- Conditions to minimise the impact of construction and redevelopment on neighbours.

The support above is subject to a satisfactory resolution of numerous privacy, boundary wall and related access issues that the applicant has failed to address which have a direct visual effect of No. 34 and 36 High Street, nine dwellings on The Green and three on the Old Vicarage Gardens, and the public access route across the site. (HP&D Comment: See section of this report on Residential Amenity. The informal pedestrian route across the site connecting to Old Vicarage Gardens will be maintained by this application).

Kent Highways: No objection subject to conditions.

KCC Ecological Advise service: No objection subject to conditions

Streetscene: No objection - The scheme has been amended to address concerns raised by Streetscene on refuse collection. Whilst there is a preference for all bins to be collected from the same point within the site, it is accepted that due to the lack of space within the refuse storage area this will not be possible and some units will need to have separate kerbside collection.

Neighbours: 23 neighbours consulted; 1 letter of support has been received which describes the site as an eyesore with the potential to become a danger to pedestrians and that the developers need to be allowed to get on with the development; 1 comment has been received pointing out that due attention needs to be given to residents of The Green who are unable to park their cars near to their homes and do not at the moment have any access from their back gardens into the area to be developed in order to put out heir bins.

(HP&D Comment: Whilst the site has been used informally by local people for parking and bin storage, the owners of this site cannot be required to continue such provision.)

A total of 7 representations, including three objections, have been received on the appeal scheme which is identical to this one. These representations are summarised in the planning committee report for 19/00075/AS, which follows on the agenda.

Planning Policy

10. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
11. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
12. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2030

SP1 – Strategic objectives

SP2 – The strategic approach to housing delivery

SP6 - Promoting high design quality

EMP2 – Loss or redevelopment of employment sites and premises

HOU3a – Residential windfall development within settlements

HOU12 – Residential space standards internal

HOU14 – Accessibility Standards

HOU15 – Private external amenity space

HOU18 – Providing a range and mix of dwelling types and sizes

TRA3a – Parking standards for residential development

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

TRA7- The road network and development

TRA8 – Travel plans, assessments and statements

ENV1 – Biodiversity

ENV3b – Landscape character and design in the AONBs

ENV4 – Light pollution and promoting dark skies

ENV5 – Protecting important rural features

ENV9 – Sustainable drainage

ENV13 – Conservation and enhancement of heritage assets

ENV14 - Conservation areas

ENV15 – Archaeology

Wye Neighbourhood Development Plan

WNP2 – High quality design

WNP10 – Density and layout

The following are also material considerations to the determination of this application:

Supplementary Planning Guidance/Documents

Sustainable Drainage

Residential Parking and Design Guidance

Residential Space & Layout (External space standards)

Landscape Character Assessment

Dark Skies

Village Design Statements

Wye

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Government Advice

National Planning Policy Framework (NPPF) 2018

National Planning Policy Guidance (NPPG)

Nationally Described Space Standards

Assessment

Background

13. The main issues to consider are the extent to which this proposal, a revised scheme, addresses the reasons for refusal of application 16/01140/AS which was subsequently dismissed at appeal. This is a material consideration that carries considerable weight in the determination of this application.
14. The planning Inspector did not agree with all of the Council's reasons for refusal, namely reasons 2 & 4. (Reason 2 related to the failure to provide gardens to all units that meet the Council's minimum space standard of 10 m in length. Reason 4 that proposed unit 5 and 6, by virtue of their extent and scale would be an overdevelopment of the site.)
15. The Inspector's reasons for dismissing the appeal related to reasons 1 and 3 of the Council's reasons for refusal. His 1st reason related to the detrimental impact of unit 4 on both the Conservations Area's character and its visually intrusive presence which would diminish the setting of the Old Flying Horse. The concerns related specifically to the complicated roof form being at odds with the rest of the terrace at the Old Flying Horse, the rear wing ridge of unit 4 being higher than the front part of the dwelling and the style, design and disposition of the fenestration being at odds with the terrace. He did not raise any concerns in respect of the two storey nature of the building or its footprint.

16. His second reason related to the overbearing impact of unit 6 on the first floor rear bedroom dormer window existing property immediately to the south (16 Vicarage Green).
17. The revised scheme differs from the scheme that was dismissed on appeal in order to address the Planning Inspector's reasons in respect of Reasons 1 & 3:
 - Reason 1: The new build unit on the frontage - Unit 4 - has been completely redesigned to provide a simpler building form with a pitched roof in similar materials / design details to the retained buildings within the site along the street frontage. The fenestration has also been completely revised so that it sits comfortably with the other dwellings in the immediate street scene.
 - Reason 3: The unit at the rear adjoining the southern boundary - Unit 6 - has been set forward on its plot to reduce its impact on the existing property to the south - 16 Vicarage Gardens. This has involved the redesign of the parking for this unit which is now proposed in tandem along the southern boundary.

Impact upon the setting of the Old Flying Horse – Grade II* listed building and impact on the character and appearance of the conservation area

18. The appeal proposal included a new unit on the frontage (on the part of the site currently occupied by the lecture theatre) which effectively extended the frontage terrace towards the Old Flying Horse, a Grade II * listed building, albeit set back from the street. Whilst the Council did not object to the provision of a new unit on this part of the site in principle, it considered that the proposed unit had a complicated building form that was at odds with the existing terrace of buildings to which it would be attached and the fenestration would also relate poorly to it. Both these aspects were deemed to cause harm to the character and appearance of the conservation area and harm to the setting of the Old Flying Horse, a Grade II* listed building. The harm in both instances was deemed to be less than substantial. That said where there is less than substantial harm there needs to be a public benefit that outweighs this (policy EDNV13 & NPPF).
19. The Inspector concluded that the appeal scheme would cause:

"less than substantial harm to the significance of the Old Flying Horse and the Conservation Area".
20. However, he went on to say that

"less than substantial harm does not equate to less than substantial weight in the planning balance and indeed the Framework establishes that great weight should be given to the conservation of heritage assets and that any harm should be weighed against the public benefits of a proposal."

21. He also indicated that:

"the appeal scheme would have clear public benefits in terms of the re-use of No. 32 (Grade II listed building) and the other historic properties and in the provision of housing on a windfall site. Taken together these matters weigh in favour of the development. Nevertheless, the harmful effects to the significance of the Old Flying Horse are considerations to which I attach great weight and importance, and their combined weight would tip the balance against the appeal scheme."

22. This revised scheme has replaced unit 4 with a building of a simpler form and design that fits much better at the end of the terrace such that it would not have such a harmful effect to the significance of the Old Flying Horse and the character and appearance of the conservation area. The proposal would impact on the setting of the listed building and the conservation area but given the measures taken to address the Inspector's concerns the proposal would have considerably less harm and impact than the scheme dismissed at appeal. Whilst there would be less than substantial harm to the significance of the heritage assets (test to be applied from the NPPF and policy ENV 13) the public benefit of bringing these buildings back into use and the additional housing on previously developed land in this sustainable location (as per the Inspector's decision) would outweigh any limited harm that may arise through the provision of a new dwelling to the frontage. I therefore consider that the proposal addresses this key issue raised by the Inspector in respect of impact on heritage assets. In this respect I disagree with the parish council which takes the view that the view that the revised proposals do not mitigate for the harmful effects on the Old Flying Horse and the character and appearance of the conservation area.

23. The figure below shows two street scenes which compare (Figure 7) the previous appeal scheme with (Figure 8) the scheme currently under consideration. It demonstrates how the revised scheme fits in better in this context as set out above.



Figure 7 - The previous appeal scheme – unit 4 has an atypical building form and design treatment



Figure 8 The current scheme – unit 4 fits in better with its context

Figures 9 & 10 below compare the roof forms of the previous appeal scheme and the current application which is under consideration

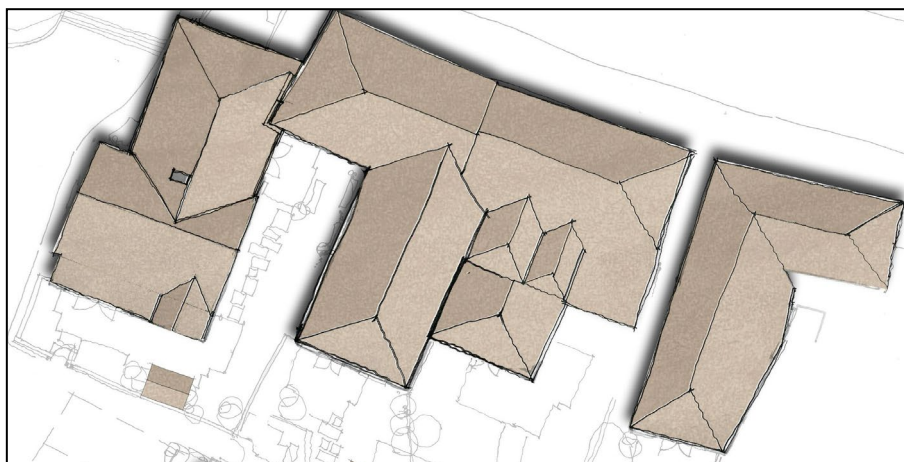


Figure 9 - Appeal scheme – overly complicated roof form

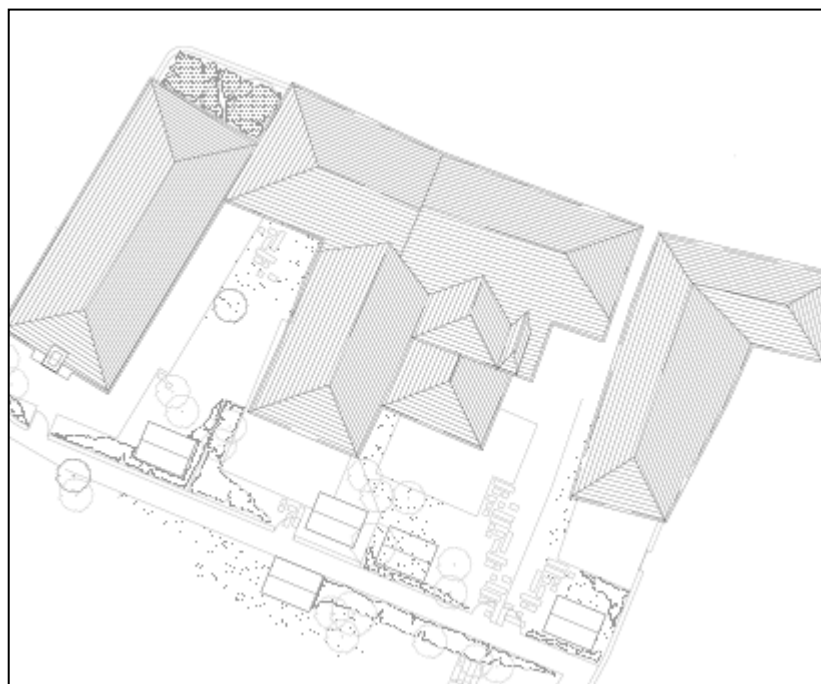


Figure 10: Current application – simple roof form

24. The above demonstrates how the concerns of the Council and the Planning Inspector have been addressed and as such does not in officer's view now constitute a reason for refusal in respect of this current application.

Residential amenity

25. The other matter raised by the Inspector related to impact on residential amenity, in particular in respect of the first floor dormer window (serving a bedroom) to the rear of 16 Old Vicarage Gardens.
26. The Inspector concluded that the proposed development would cause harm to the living conditions of the occupants of 16 Old Vicarage Gardens in terms of outlook, conflicting with Policy WNP2 of the Neighbourhood Plan. He noted that the flank wall of the proposed development would be located close to the rear boundary of No. 16 and that whilst the outlook from the ground floor windows and garden of this property is restricted by the tall boundary treatments present, the appeal scheme would introduce development of a considerable scale and mass which would loom large in views available to the property's occupants from the roof level room (bedroom).
27. This scheme seeks to address this issue by setting unit 6 further forward and scaling the building down at the rear. Units 5/6 have also been pulled further away from the southern boundary (to provide tandem parking) again reducing the impact on the existing properties to the south. I am satisfied that the amended layout would not cause harm to the living conditions of the occupants of No. 16 in respect of it appearing overbearing or oppressive from the rear of No.16 in particular the rear bedroom dormer window. The occupiers of this property have not made any representations in relation to this application.
28. The parish council has indicated that in setting unit 6 forwards its overbearing impact would merely be transferred to No. 14 Old Vicarage Gardens. I do not believe this would be the case: No 14 has a deeper rear garden to No 16 and there is a high boundary wall and planting along the rear boundary. Also, the setting back of units 5/6 from this boundary (to make space for the tandem parking) means there would be approximately 10-11m separation distance from the rear elevation of No.s 14&15 and the side elevation of unit 6. This is an accepted separation distance to ensure a new development would not be unduly overbearing or oppressive. The residents of No.15 have not objected and are generally supportive of the redevelopment.
29. Figures 11 & 12 below show the differences between the appeal scheme and the current application in respect of addressing the Inspector's concerns over residential amenity:



Figure 11 – Appeal scheme showing unit 6 in relation to the rear of 16 Old Vicarage gardens



Figure 12 – The current proposal with unit 6 set forward and away from 16 Old Vicarage Gardens (incorrectly labelled on the plan as No.38) and in particular the rear dormer window.

30. The relationship of unit 6 to the rear dormer window (and rear of the property generally) is significantly improved. Consequently the proposed development would not be unacceptably overbearing or oppressive when viewed from the rear of No.16. As such officers are of the view that the second reason for the dismissal of the previous appeal has addressed.
31. There is the potential for overlooking of the rear gardens of properties in The Green from the first floor windows of unit 4 (see figure 3b). The three windows concerned serve a landing and the two bedrooms for this unit (which are secondary windows). A condition is proposed requiring that these windows are obscured glazed and fixed shut to a height of 1.7m. In addition the scheme dismissed at appeal also showed two bedroom windows with the same outlook which the Planning Inspector did not find as an unacceptable arrangement.
32. In light of the above, I do not consider that the proposed development would be harmful to the residential amenity of existing residents.

Proposed residents

33. A reason for refusal cited by the Council in the appeal scheme related to the substandard private amenity space in respect of units 1, 5, and 6. The Inspector acknowledged this conflict with adopted SPD and emerging policy at the time (now adopted Policy HOU15) but considered (in the case of the historic buildings) that this did not in itself justify a reason for refusal for the scheme as it would bring into use historic properties. Policy HOU15 relates to private external open space. It requires new housing, as a starting point, to have a private garden area that should be calculated on the width of the dwelling x 10m.
34. This amended scheme seeks to address the Inspector's observations by making some minor changes to the layout which whilst providing slightly shallower gardens for the historic buildings on the frontage, frees up more space for the new build development to the rear. The slight setting forward of unit 5 and significant setting forward of unit 6 also frees up space to the rear of these units for more usable gardens in accordance with policy HOU15. Similarly, new unit 4 on the frontage would provide private amenity space in accordance with Policy HOU15. It should be noted therefore that the only units with substandard rear gardens (the three existing units on the frontage) serve the existing historic buildings on the frontage and these gardens all face due south and as a result provide usable garden space.
35. Officers raised concerns on the appeal scheme regarding overlooking of the garden of unit 6 from No 16. The Parish Council has commented that this issue of overlooking is exacerbated in the amended layout. This revised scheme, in setting unit 6 forward and providing it with a larger rear garden, has created more opportunities to provide private amenity space for this unit.

36. The proposed development meets Nationally Described Space standards for internal space.
37. I am satisfied that the proposed development would not be unacceptably harmful to the residential amenity of existing or proposed residents. I am also satisfied that the concerns raised by the Inspector in relation to No.16 Old Vicarage Gardens have been addressed.

Other Planning matters for consideration under this current application

Principle

38. The principle of conversion of the frontage development to residential has already been established and did not form a reason for refusal for the scheme that went to appeal. Further it was not an issue of concern for the Planning Inspector. The provision of 6 units on this site (3 within the existing buildings) has already been accepted by the recent appeal decision.
39. Policy HOU3a is supportive of residential windfall development and infilling of a scale that can be satisfactorily integrated into the existing settlement within the built-up confines of a number of settlements, which includes Wye, providing a number of requirements are met. These are detailed and commented on below:
- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
 - See section on Visual Amenity / Impact on Designated Heritage Assets
 - b) It would not create a significant adverse impact on the amenity of existing residents;
 - See section on Residential Amenity
 - c) It would not result in significant harm to, or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
 - This is not the case
 - d) It would not result in significant harm to the landscape, heritage assets or biodiversity interest;

- See section on Visual Amenity / Impact on Designated Heritage assets and section headed Other Matters (ecology)

e) It is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider network.

- This is the case; KCC Highways and Transportation has raised no issues subject to conditions

e) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure

- This is the case

f) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and

- This is the case. A condition is proposed in respect of lighting.

g) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this plan.

- The premises have been vacant for many years and marketing information for the college sites / buildings has been provided. The principle of residential use of the site / buildings has been accepted.

40. I therefore raise no objections in principle to this proposal provided it raises no matters of planning harm that would warrant the refusal of the application when considered against the adopted policies in the development plan.

Visual Amenity / Impact on designated heritage assets

41. Policy SP6 seeks to achieve a high standard of design in new development. Policy HOU3a, on windfall development in the larger settlements, requires a number of design criteria to be met, including that the layout, design and appearance is appropriate to and is compatible with the character and density of the surrounding area.

42. The parish council considers that the proposed units 4, 5 and 6 constitute an overdevelopment of the site. I do not consider this to be the case (a view endorsed by the Planning Inspector). The proposed development provides an intensity of development and scale of development that is not uncharacteristic on a village centre site. It is worth noting also that it would provide less building footprint to that currently on the site (lecture theatre and single storey building). It also makes appropriate provision against most of

the standards (see later sections in this report) suggesting also that it is not overly intensive.

43. The units would have a traditional form and design. Notably, proposed unit 4 on the frontage, would have a similar form, design and materials to the adjoining historic terrace which would help the development integrate better in the street scene, especially when compared against the appeal scheme. It is worth noting also that whilst the inspector did not consider the design and roof form to unit 4 as being in keeping with the adjoining historic buildings, he did not raise objection to it being a two-storey building and set back from the frontage.
44. Policy ENV13 relates to the conservation and enhancement of heritage assets. Policy ENV14 seeks to preserve or enhance the character and appearance of the conservation area and Policy ENV15 seeks to protect archaeological assets.
45. Policies ENV13 and ENV 14 are written in full below:

Policy ENV13 - Conservation and Enhancement of Heritage Assets

“Proposals which preserve or enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.

Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, or where a non-designated heritage asset is likely to be impacted, harm will be weighed against the public benefits of the proposal, including securing the optimum viable use of the heritage asset.

All applications with potential to affect a heritage asset or its setting should be supported by a description of the asset's historic, architectural or archaeological significance with an appropriate level of detail relating to the asset and the likely impact of the proposals on its significance.”

Policy ENV14 - Conservation Areas

Development or redevelopment within Conservation Areas will be permitted provided such proposals preserve or enhance the character and appearance of the Area and its setting.

Proposals should fulfill each of the following:

- a) The scale and detailed design of all new development and alterations should respect the historical and architectural character, proportion and massing, including roofscapes, of the area, the relationship between buildings, the spaces between them and with their setting;*
 - b) The materials proposed should be appropriate to the locality and complement those of the existing buildings;*
 - c) Buildings and streets of townscape character, trees, open spaces, walls, fences or any other features should be retained where they contribute positively to the character and appearance of the area;*
 - d) The development should not generate levels of traffic, parking or other environmental problems which would result in substantial harm to the character, appearance or significance of the area;*
 - e) The use should be appropriate to and compatible with the character, appearance and historic function of the area; and,*
 - f) The development would not prejudice important views into or out of the conservation area.*
46. The proposed development would enhance the existing historic buildings on the site by bringing them back into an appropriate and productive use in a way that is consistent with their conservation. The parish council is supportive of the scheme in this respect. It does not consider however that the new build element of the development shows an adequate response to the appeal decision or reflect the great weight and importance accorded to heritage assets. I do not agree with them in this respect.
47. The new build element of the scheme would lead to less than substantial harm to the significance of designated heritage assets, including the Grade II* listed Old Flying Horse. This harm needs to balance against the public benefits of the proposal; the provision of 6 new dwellings on previously developed land in a sustainable village location and the bringing back into productive use of the existing historic buildings, one of which (no 32) is

Grade II listed. Furthermore, it should be taken into account that any harm caused by this proposal is significantly less than that caused by the appeal scheme. There would also be a significant improvement to the character and appearance of the street scene as the existing buildings are falling into a poor state of repair.

48. As indicated above, the proposals would provide a scale and detailed design and materials that respects the historical and architectural character, proportion and massing (including roofscapes) of the area. This is evident in the redesign of Unit 4 when compared with the appeal scheme.
49. I consider that the amended scheme complies with these policy requirements and would not be unacceptably harmful to interests of acknowledged importance (also see sections above). In respect of archaeology, the county archaeologist has recommended a suitable condition.

Parking / Refuse collection / Highway Safety

50. Policy TRA3a sets out the parking standards for residential development requiring 2 spaces per unit for both 2 bed and 3 bed houses. The standards also require visitor parking at 0.2 spaces per unit. Policy TRA6 sets out the provision for cycling.
51. The proposed units (all 2 or 3 bed) make adequate on-site provision for their own parking needs and KCC H&T has agreed that the 1 visitor space can be provided via the on street parking bays in the vicinity. All units have cycle parking facilities within private garden areas. KCC has raised no objections to the scheme subject to a number of conditions. It has stated also that it would not seek to adopt the car parking area as it only serves 6 dwellings and does not benefit the public at large. They are satisfied that there is also sufficient turning on site to allow vehicles to leave in forward gear.
52. Refuse collection would be from the street. Most units would store their wheeled bins in the dedicated storage area and drag them to kerbside on collection day. Units 1 and 4 are within acceptable drag distance to store their wheeled bins on plot. Street scene is satisfied that the proposal is workable for waste collection and raises no objections.
53. I am satisfied that the proposal would not be detrimental to highway safety and raise no objections on highway grounds.

Landscaping

54. The proposal retains the Ash tree in the western corner of the site which is the only significant site tree. It would not impact adversely on other trees just outside the site boundary. Conditions are proposed in respect of the need to protect existing trees and to provide additional landscaping.

Other issues

55. The site is within Flood Zone 1 and therefore the only risk of flooding arises from surface water. The site currently laid out with buildings and hardstanding. The proposal would actually reduce the impermeable area over the existing through the introduction of gardens and soft landscaping. As such surface water runoff from the site will be reduced compared to the existing. The use of SUDs (condition) will enable this to be reduced further. I am satisfied that an acceptable drainage scheme can be achieved in accordance with policy ENV9.
56. KCC Biodiversity has raised no objections on matters of ecological interest subject to a number of conditions to help mitigate for the impact of the development and also to enhance the biodiversity of the site. The proposal raises not adverse issues in respect of matters of ecological importance.

Human Rights Issues

57. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

58. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

59. This scheme addresses the Inspector's reasons for dismissing the previous appeal as regards impact on the setting of the Old Flying Horse and impact on the character and appearance of the conservation area / street scene. It also addressed the impact on the residential amenity 16 Vicarage Gardens. The proposal would now result in less than substantial / no harm to the appearance of the conservation area or setting of other nearby listed buildings. Any harm that may arise would be minimal and outweighed by the public benefits in that it would provide 6 new homes in a sustainable village

location on previously developed land and allow for the conversion of vacant historic buildings, including a listed building bringing them back into an appropriate use and safeguarding their future.

60. I do not consider that the scheme would be harmful to visual amenity or residential amenity. KCC Highways and Transportation is satisfied that the scheme would not be harmful to highway safety and KCC Biodiversity has suggested conditions to mitigate for the impact of development and secure ecological enhancement. Similarly, suitable conditions can be applied in respect of drainage and archaeology.
61. In terms of potential S106 contributions under the Public Green Spaces SPD, these were not requested on the previous scheme that went to appeal and was not considered to warrant dismissal of the appeal by the Inspector. Consequently none are sought under this application.
62. I therefore conclude that the proposal represents a sustainable development of the site in accordance with local and national planning policy.
63. I therefore consider that this proposal is acceptable and broadly accords with the development plan. As such, I recommend that planning permission be granted.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to either the Head of Planning & Development or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

Conditions on grant

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

- 3 Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development proceeds above slab level and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

- 4 Before any works above foundation level are carried out the following details shall be submitted to and approved in writing by the Local Planning Authority:

a) Details and location of rainwater goods;

b) Details of any flues, grilles and vents to be installed including location dimensions, colour and material;

c) Details of electricity and gas meter boxes and any external pipe work including their location on the buildings;

d) Details and sections through eaves, porches / entrance canopies, chimneys, dormer windows and plinths; and

e) Details of all windows including recess depth of glazing

The works shall only be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

- 5 No flues, vents, stacks, extractor fans or meter boxes shall be located on the front elevation of any of the units.

Reason: In the interest of visual amenity.

- 6 The windows in all of the buildings hereby permitted shall be timber. Before any works above foundation level are carried out joinery details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved plans.

Reason: In the interest of visual amenity.

- 7 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 8 Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development.

- 9 Prior to first occupation of the dwellings hereby approved, details for the disposal of foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained.

Reason: To avoid pollution of the surrounding area.

- 10 A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development proceeds above slab level. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

- 11 The area shown on the drawing number 18.051 003 Rev C as vehicle parking space and turning shall be provided and permanently retained prior to occupation of the dwellings.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

12 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority. This shall include details of the following:

a) Parking and turning areas for construction and delivery vehicles and site personnel;

b) Provision of wheel washing facilities.

Reason: In the interest of highway safety and residential amenity.

13 The first 5 metres of the access from the edge of the highway shall be in a bound surface.

Reason: In the interests of highway safety.

14 The area shown on drawing number 18.051 003 Rev E as vehicle parking and turning space, shall be paved and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. These details shall include measures to prevent the discharge of surface water onto the highway. The details shall be implemented before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to such activities inconvenient to other road users.

15 Prior to the use of the site commencing, details of the secure covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. They shall be provided prior to occupation of the dwelling to which they relate and retained thereafter.

Reason: To encourage the use of sustainable transport modes.

16 Prior to any works commencing on the buildings a detailed bat mitigation strategy shall be submitted for written approval by the Local Planning Authority. The bat mitigation strategy shall include the following:

- Updated scoping survey of the building
 - Updated bat emergence surveys (if required)
 - Overview of mitigation required
 - Methodology to implement works
 - Timings of the proposed works
 - Details of ongoing monitoring
- The works must be implemented as detailed within the approved works.

Reason: In the interests of site biodiversity.

- 17 Within six months of commencement of construction on annotated site plan detailing the ecological enhancements to be incorporated into the site shall be submitted to the Local Planning Authority for written approval. The enhancements shall be incorporated into the site as detailed within the approved plan and thereafter maintained and retained.

Reason: In the interest of site biodiversity

- 18 Prior to occupation a lighting design strategy for biodiversity shall be submitted to and approved in writing by the LPA. The strategy shall:
- a) Identify those areas / features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging.
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior to consent from the LPA.

Reason: In the interest of biodiversity.

- 19 Prior to the first occupation of the dwellings, 6 of the parking bays (one per unit) shall be provided with an electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-E; of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality

- 21 Before the first occupation of unit 4 the windows on this unit at first floor level on the west elevation shall be fitted with obscured glazing, fixed shut to a height of 1.7m and shall be permanently retained in that condition thereafter.

Reason: In the interest of the residential amenity of adjacent dwellings.

- 22 The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Note to Applicant

1. Working with the Applicant

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,

- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

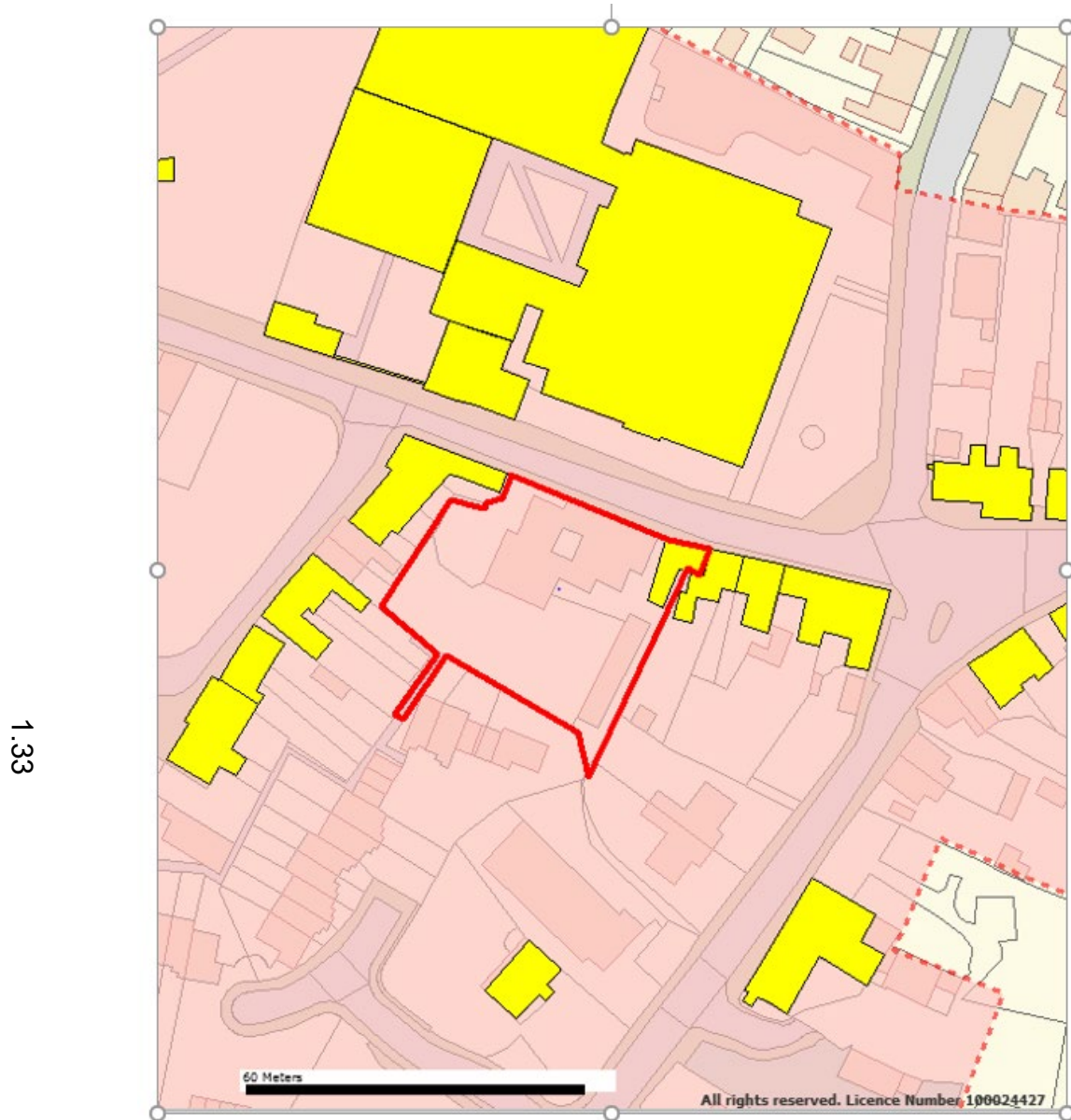
In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00572/AS)

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Annex 1

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Application Number	19/00075/AS	
Location	30-32 High Street, Wye, Ashford , TN25 5AL	
Grid Reference	5532 / 6793	
Parish Council	Wye and Hinxhill	
Ward	Wye	
Application Description	Change of use of 26 – 32 High Street to residential use to provide 6 dwellings, including demolition of flat roofed link attached to no. 32 demolition of single storey building and demolition of lecture theatre, and provision of landscaping and parking.	
Applicant	Mr D Maloney, Tele-property Investments Ltd	
Agent	Mrs Welch, Hobbs parker, Romney House, Monument Way, Orbital Park, Ashford TN24 0HB	
Site Area	0.16ha	
(a) 21/1S, 3R & 3+	(b) R	(c) KCC H&T X KCC Her X KCC Bio X Streetscene X

Introduction

1. This application is reported to the Planning Committee because it has been called in by the Ward Member Cllr Ovenden. The applicants have appealed against non-determination so this application cannot now be determined by the Council. The report below indicates how officers would have sought to determine the application had they been in a position to do so. The previous item on the agenda relates to and identical proposal which is for the Council to determine. (Ref: 19/00572/AS).

Site and Surroundings

2. See 19/00572/AS

Proposal

3. See 19/00572/AS

Planning History

16/01140/AS Change of use of 26 - 32 High Street to residential use to provide 6 dwellings, including demolition of flat roofed link attached to no. 32 and demolition of lecture theatre and provision of landscaping and parking. REFUSED & DISMISSED ON APPEAL

16/01141/AS LB Conversion of 32 High Street to residential including demolition of attached flat roof link, removal of rear window and wall on ground floor and replacement with doors, blocking up of existing external doors with bricks, removal of existing door and wall on ground floor, addition of partition wall/doors on ground and first floor. GRANTED

17/00076/AS LB Conversion of 32 High Street to residential including demolition of attached flat roof link, removal of rear window and wall on ground floor and replacement with doors, blocking up of existing external doors with bricks, removal of existing door and wall on ground floor, addition of partition wall/doors on ground and first floor. GRANTED

19/00572/AS Change of use of 26 - 32 High Street to residential use to provide 6 dwellings, including demolition of flat roofed link attached to no. 32 and demolition of lecture theatre and provision of landscaping and parking. UNDER CONSIDERATION

Consultations

Ward Member: The Ward Member is a member of the planning committee

Parish Council: Object. The PC supports the conversion of the existing buildings – units 1, 2, and 3 but objects to the provision of units 4, 5 and 6 which it considers to be an overdevelopment of the site. See full objection under 19/00572/AS.

Kent Highways: No objection subject to conditions.

KCC Ecological Advise service: No objection subject to conditions

Street scene: No objection. The scheme has been amended to address concerns raised by Street scene on refuse collection. Whilst there is a preference for all bins to be collected from the same point within the site, it is accepted that due to the lack of

space within the refuse storage area this will not be possible and some units will need to have separate kerbside collection.

Neighbours: 21 neighbours consulted – 7 representations received. 1 in support; 3 objecting & 3 making general comments

Support

The letter of support considers that the developer has taken the previous objections into consideration concerning the density of development on the site. It indicates that the current proposals would seem sympathetic to the site.

General comments

Two of the three general comments that have been received support this view. One neighbour points out a discrepancy in the address which includes his house within the description of development.

(HP&D comment: The house numbering on this side of the High Street is confusing. It is clear from the site plan which properties are included and which fall outside the site.)

Objections

The letters of objection raise concerns about the timing of this application in advance of the Masterplan which is required by both the Tenterden and Rural Sites DPD and Neighbourhood Plan (**HP&D comment:** This site does not form part of the Masterplan).

One objector, acknowledging it is probably an error, points out that the proposed gateway into their garden has slipped off the plans and asks for this to be reinstated.

Planning Policy

4. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
5. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

6. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2030

SP1 – Strategic objectives

SP2 – The strategic approach to housing delivery

SP6 - Promoting high design quality

EMP2 – Loss or redevelopment of employment sites and premises

HOU3a – Residential windfall development within settlements

HOU12 – Residential space standards internal

HOU14 – Accessibility Standards

HOU15 – Private external amenity space

HOU18 – Providing a range and mix of dwelling types and sizes

TRA3a – Parking standards for residential development

TRA5 – Planning for pedestrians

TRA6 – Provision for cycling

TRA7- The road network and development

TRA8 – Travel plans, assessments and statements

ENV1 – Biodiversity

ENV3b – Landscape character and design in the AONBs

ENV4 – Light pollution and promoting dark skies

ENV5 – Protecting important rural features

ENV9 – Sustainable drainage

ENV13 – Conservation and enhancement of heritage assets

ENV14 - Conservation areas

ENV15 – Archaeology

Wye Neighbourhood Development Plan

WNP2 – High quality design

WNP10 – Density and layout

7. The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Sustainable Drainage

Residential Parking and Design Guidance

Residential Space & Layout (External space standards)

Landscape Character Assessment

Dark Skies

Village Design Statements

Wye

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Government Advice

National Planning Policy Framework (NPPF) 2018

National Planning Policy Guidance (NPPG)

Nationally Described Space Standards

Assessment

Background

8. The applicants have appealed against non-determination so it is no longer possible for the Council to determine this application. The report below sets out how officers would have sought to determine the application had they been a position to do so. A duplicate application has been submitted which is the same in all respects (19/00572/AS). As the reports are essentially the same, reference is made to that report under the heading below.
9. See relevant section on Background of report ref. 19/00572/AS which covers the two reasons for refusal raised by the inspector for the previous appeal and the extent to which this scheme addresses those issues.

Impact upon the setting of the Old Flying Horse – Grade II* listed building and impact on the character and appearance of the conservation area

10. See relevant section of report 19/00572/AS

Residential amenity

11. See relevant section of report 19/00572/AS

Other Planning matters for consideration under this current application

12. See relevant section of report 19/00572/AS

Human Rights Issues

13. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

14. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals

focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

15. This application is subject to an appeal against non-determination and as such cannot be determined. Notwithstanding this, there is a need to consider how the application would have been determined had officers been in a position to do so.
16. This scheme addresses the Inspector's reasons for dismissing the previous appeal as regards impact on the Grade II* listed Old Flying Horse / conservation area and impact on the residential amenity of no. 16 Vicarage Gardens.
17. I do not consider that the scheme would be harmful to visual amenity or residential amenity. KCC Highways and Transportation is satisfied that the scheme would not be harmful to highway safety and KCC Biodiversity has suggested conditions to mitigate for the impact of development and secure ecological enhancement. Similarly suitable conditions can be applied in respect of drainage and archaeology.
18. I therefore conclude that the proposal represents a sustainable development of the site in accordance with local and national planning policy.
19. Furthermore, as noted by the Inspector, the proposal has public benefits in that it would provide 6 new homes on previously developed land in a sustainable location and allows for the conversion of vacant historic buildings, including a listed building into an appropriate alternative use thereby safeguarding these important buildings. These benefits of the scheme are material considerations.
20. I therefore raise no objections to this proposal and conclude that it accords with the development plan as a whole.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

Conditions on grant

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

- 3 Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development proceeds above slab level and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

- 4 Before any works above foundation level are carried out the following details shall be submitted to and approved in writing by the Local Planning Authority:

a) Details and location of rainwater goods;

b) Details of any flues, grilles and vents to be installed including location dimensions, colour and material;

c) Details of electricity and gas meter boxes and any external pipe work including their location on the buildings;

d) Details and sections through eaves, porches / entrance canopies, chimneys, dormer windows and plinths; and

e) Details of all windows including recess depth of glazing

The works shall only be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

- 5 No flues, vents, stacks, extractor fans or meter boxes shall be located on the front elevation of any of the units.

Reason: In the interest of visual amenity.

- 6 The windows in all of the buildings hereby permitted shall be timber. Before any works above foundation level are carried out joinery details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved plans.

Reason: In the interest of visual amenity.

- 7 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 8 Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development.

- 9 Prior to first occupation of the dwellings hereby approved, details for the disposal of foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained.

Reason: To avoid pollution of the surrounding area.

- 10 A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development proceeds above slab level. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

- 11 The area shown on the drawing number 18.051 003 Rev C as vehicle parking space and turning shall be provided and permanently retained prior to occupation of the dwellings.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

- 12 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority. This shall include details of the following:
- a) Parking and turning areas for construction and delivery vehicles and site personnel;
 - b) Timing of deliveries;
 - c) Provision of wheel washing facilities.

Reason: In the interest of highway safety and residential amenity.

- 13 The first 5 metres of the access from the edge of the highway shall be in a bound surface.

Reason: In the interests of highway safety.

- 14 Prior to the use of the site commencing, details of the secure covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. They shall be provided prior to occupation of the dwelling to which they relate and retained thereafter.

Reason: To encourage the use of sustainable transport modes.

- 15 The development shall include measures to prevent the discharge of surface water onto the highway.

Reason: In the interest of highway safety.

- 16 Prior to any works commencing on the buildings a detailed bat mitigation strategy shall be submitted for written approval by the Local Planning Authority. The bat mitigation strategy shall include the following:
- Updated scoping survey of the building
 - Updated bat emergence surveys (if required)
 - Overview of mitigation required
 - Methodology to implement works
 - Timings of the proposed works
 - Details of on going monitoring
- The works must be implemented as detailed within the approved works.

Reason: In the interests of site biodiversity.

- 17 Within six months of commencement of construction on annotated site plan detailing the ecological enhancements to be incorporated into the site shall be submitted to the Local Planning Authority for written approval. The enhancements shall be incorporated into the site as detailed within the approved plan and thereafter maintained and retained.

Reason: In the interest of site biodiversity

- 18 Prior to occupation a lighting design strategy for biodiversity shall be submitted to and approved in writing by the LPA. The strategy shall:
- a) Identify those areas / features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging.
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior to consent from the LPA.

Reason: In the interest of biodiversity.

- 19 Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A-E; of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality

- 21 Before the first occupation of the new build unit on the frontage hereby permitted the windows on this unit at first floor level on the west elevation shall be fitted with obscured glazing, fixed shut to a height of 1.7m and shall be permanently retained in that condition thereafter.

Reason: In the interest of the residential amenity of adjacent dwellings.

- 22 The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Note to Applicant

1. Working with the Applicant

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

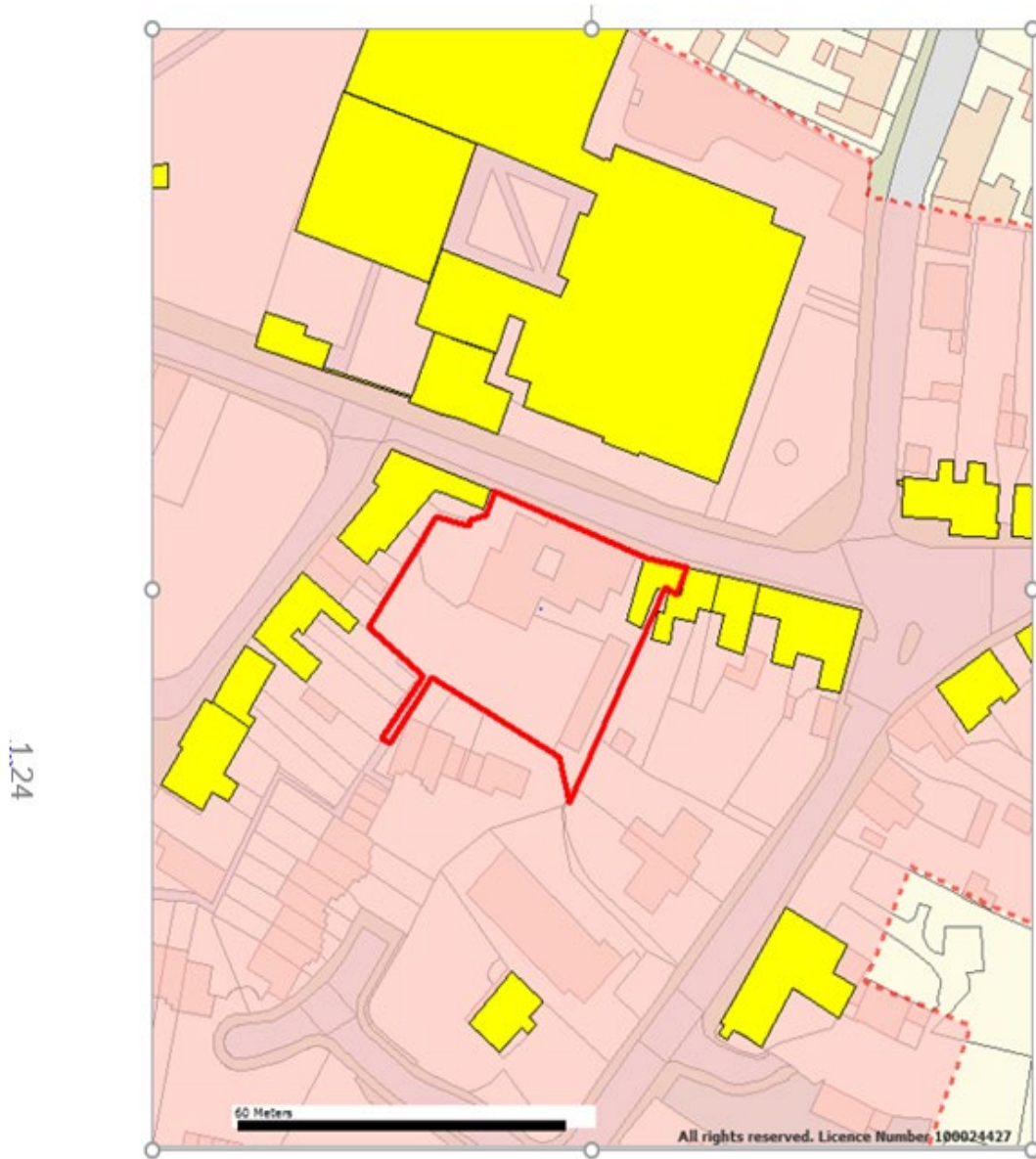
In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00075/AS)

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Annex 1 |

Agenda Item 8

Ashford Borough Council - Report of the Head of Planning and Development
Planning Committee 5 June 2019

Application Number	18/01592/AS	
Location	Ashford Golf Complex, Bears Lane, Bethersden, Ashford, Kent, TN23 3BZ	
Grid Reference	96069/42863	
Parish Council	Bethersden/Hothfield	
Ward	Weald Central Ward/Upper Weald Ward	
Application Description	Outline application for the erection of 10 no. dwellings to consider access, layout and landscaping (scale and appearance reserved)	
Applicant	Great Chart Golf & Leisure Limited, Great Chart Golf & Leisure, Bear's Lane, Bethersden, TN23 3BZ	
Agent	Mr Nathan Anthony, Lee Evans Planning, St Johns Lane, Canterbury, Kent, CT1 2QQ	
Site Area	10.16 ha	
(a) 10/-	(b) Hothfield/- Bethersden/- Great Chart with Singleton/R	(c) KHS/ , EHM/X, NE/-, KCC BIO/X, KWT/+.KCC Heritage, KCC LLFA/X, KF&R/+, KCC Ed/+, Housing/X, SWS/X, EA/-, NE-X

Introduction

1. This application is reported to the Planning Committee because it is a major application.

Site and Surroundings

2. The application site is a triangular shaped 9-hole course and gravel car park comprising the Great Chart Golf Course (operated under the business Great Chart Golf & Leisure Limited owned by the applicant and his family). This operates alongside the Ashford Golf Complex to the other southern side of the railway line (and includes a clubhouse, café, bar area and merchandise shop and has diversified into archery, paintballing, family pitch and putt and a floodlit volleyball/5-a-side football pitch and is operated under the business

Great Chart Leisure owned by the applicant and his family). The previous officer report for this site did not consider the site constituted previously developed land/brownfield site, however, Members resolved that the site did represent previously developed land in that it had been re-contoured and partly surfaced as a golf course and as such is not undeveloped farmland.

3. The site fronts onto, and is accessed from, Bears Lane and lies over 2.5km from the nearest villages of Hothfield and Pluckley and 4km from Great Chart. The land rises gradually from south to north, but its topography is fairly level across the site (except for the artificial bunds) and comprises a network of natural and man-made drainage ditches and ponds. The site is bound to the south by the railway line, its embankment and a belt of trees, with native hedgerow lining the roadside boundary. To the west is Newlands Wood, designated as ancient woodland and a Local Wildlife Site and part of which is covered by a TPO (No. 7 1992). Bears Lane Wood on the opposite side of the road is also designated as ancient woodland. The surrounding land is predominantly agricultural in nature, with a few scattered farms and dwellings.
4. The site is located within the Dering Woodland Farmlands Low Weald Landscape Character Area, in which the key characteristics are gently undulating landform, strong tree cover with large blocks of woodland and the railway line cutting through the landscape. The condition of the landscape is good with moderate sensitivity and the guidelines for the area are to conserve and reinforce the landscape.

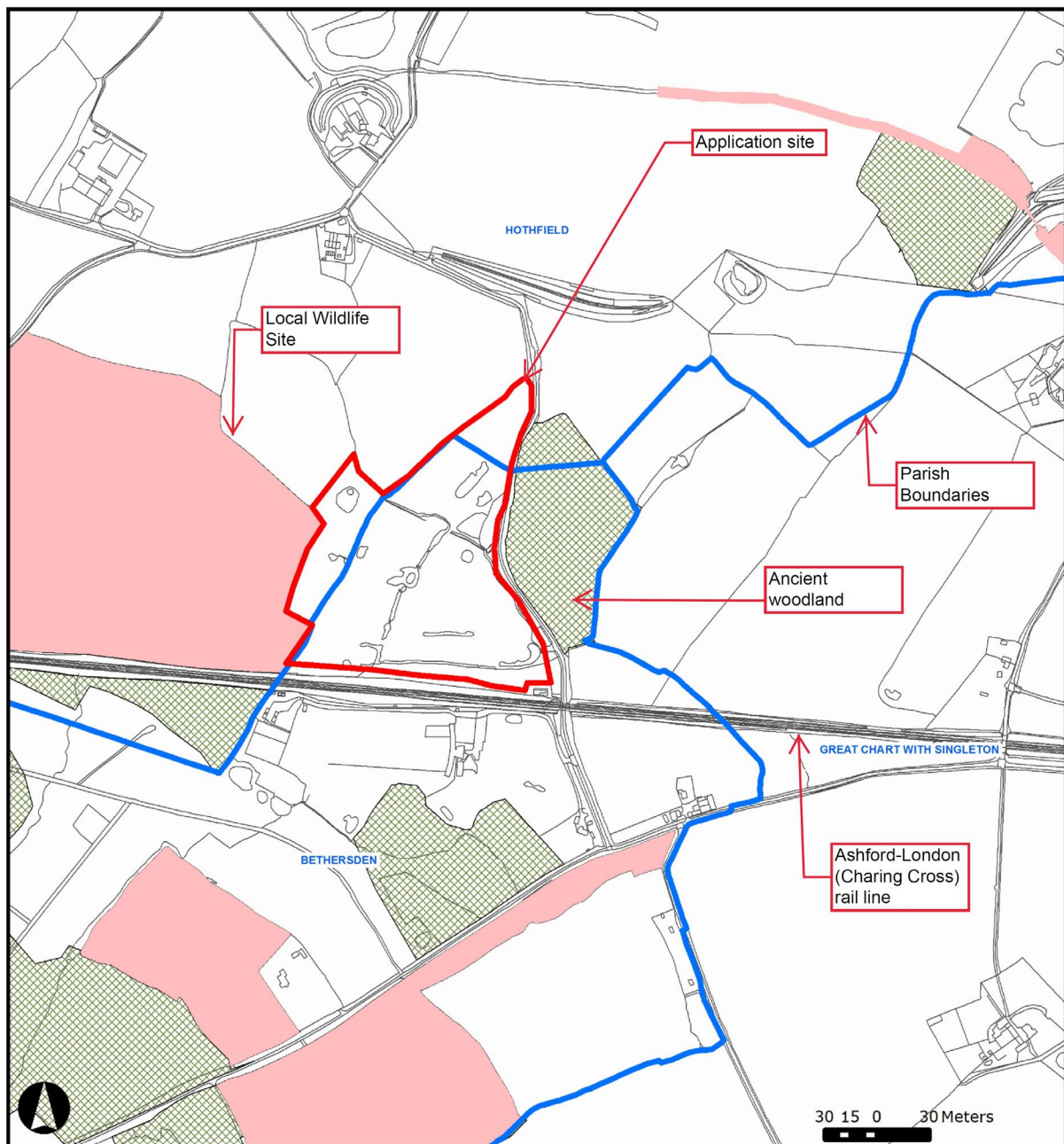


Figure 1 - Site Location Plan

Proposal

- Outline planning permission is sought for the erection of 10 detached dwellings with access, layout and landscaping being considered in detail at this stage. Scale and appearance are reserved for future consideration.



Figure 2 Proposed Site Layout

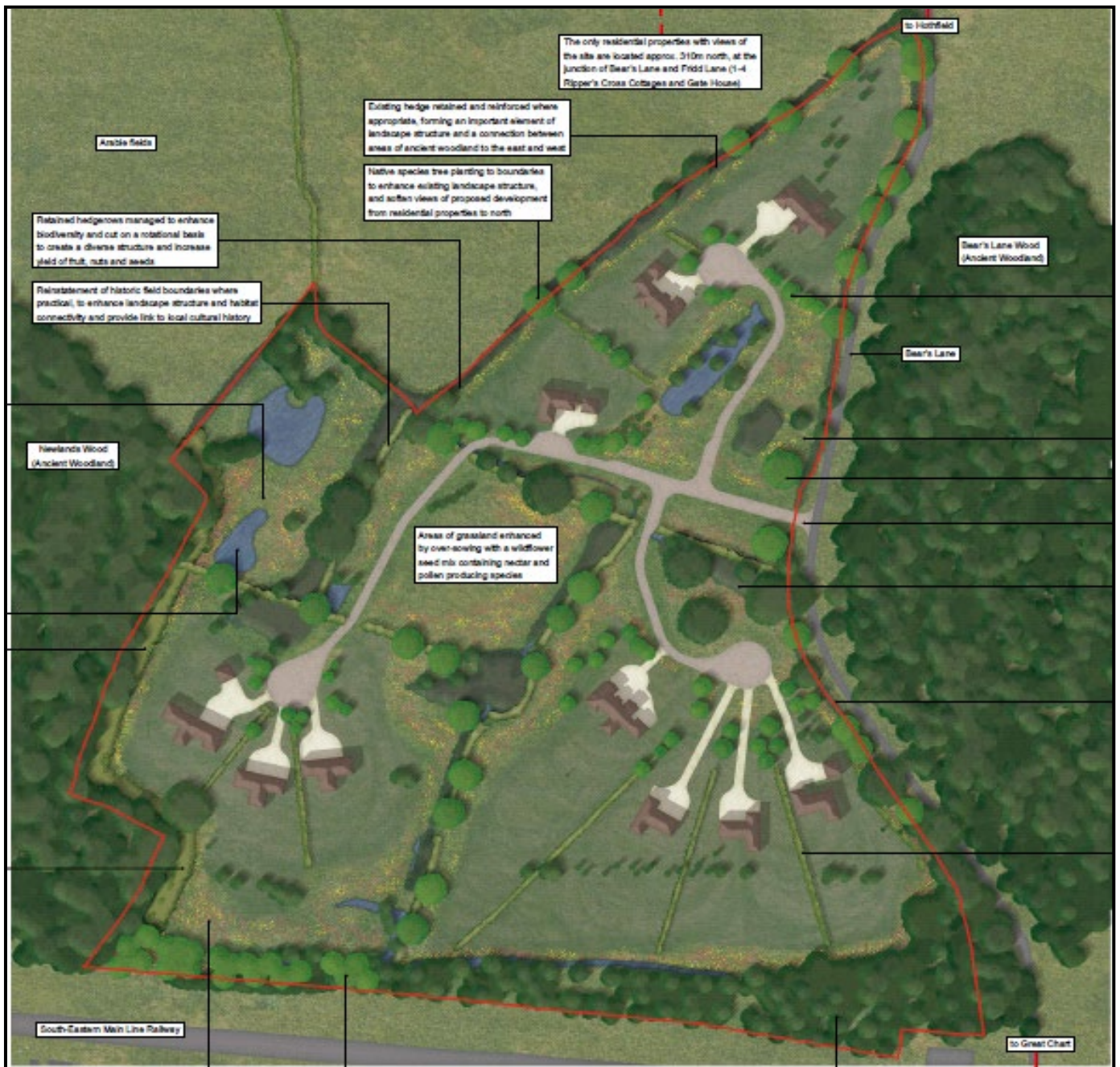


Figure 3 - Layout Plan including landscaping

6. Access to the proposed development would be via Bears Lane. The vehicular access arrangements would be identical to those approved under the extant permission (see the planning history section) reference 17/00469/AS. A private road will provide access to each of the 10 dwellings. This is not being adopted by the Highway Authority.
7. Layout of the dwellings will be as shown in figure 3. This differs slightly from the approved layout of the extant permission referred to above (see figure 4).



Figure 4 - Approved layout under extant permission 17/00469/AS

8. In support of the application the following documents have been submitted:

Arboricultural Impact Assessment

9. High quality trees are to be retained and the RPAs of them would be respected. Several trees to be removed would be of a low BS category and tree works to several trees are recommended by the arboriculturalist.

Design Code

10. In summary, this has been produced to ensure that the proposed dwellings would all be of exceptional build quality (meeting the criteria required for a Passivhaus) and use exceptional quality materials used locally set within in a high quality hard and soft landscaped setting, which encourages biodiversity.

Planning & Design and Access Statement

11. The scheme results in the loss of the golf course and proposes 10no. exclusive homes set in generous grounds of approximately between 0.55 and 1.4 acres. This follows a previous scheme for 7no. dwellings (17/00469/AS). This is an application for outline planning permission following 10 months marketing for the approved scheme for the site. This highlighted issues with the saleability of the site.
12. The statement outlines the history of the site, the current business position and introduction to the reason for the application. It also describes the context of the site and its surroundings, the recent planning history on the site and the planning policy for the site together with an appraisal of the merits of the scheme against policy.

13. A summary of the above is included below:

History of the site & current business position

- The Kay family have run the site since purchasing the wider site in 1989
- Whilst the golf business was generally buoyant in the 2000s, they purchased the applicant site, which was redundant agricultural grade 3 land with a view to create a 9-hole golf course.

- Membership exceeded 200 but by the mid 2000s the traditional gold industry was in decline and revenue suddenly reduced.
- Financial implications resulted in diversification of the business and the decision to sell the gold course.
- The wider leisure complex, to the south of the application site, now includes Football golf, Frisbee golf and zorbing.
- The long term viability of this part of the business is dependent upon long term investment.

Application site

- The site benefits from a gated access from Bear's Lane and covers 10ha
- There is an existing car park, artificial landscape bunds and the site covers 10ha.
- There is a range of drainage ditches and ponds
- The land rises from the south to the north with the northern corner 5 metres higher than the rest of the site
- The site is enclosed by surrounding features including the railway line to the south, Newlands Wood and Bear's Lane Wood.
- The surroundings are agricultural in nature
- Surrounding dwellings are in large plots
- There are relatively few PROWs in the area
- There are a range of services and community facilities within a short drive of the site including schools, doctors surgery, dentists, supermarkets, bank, post office and train station.
- The site is not known to have archaeological potential

Proposed development and planning policy context

- A small number of properties of exceptional design quality set within generous grounds

- The dwellings would be within a park land setting with substantial dwellings of 5 or more bedrooms.
- Landscaping, layout and access are currently being considered with scale and appearance reserved for later consideration.
- Layout
 - The layout has been determined by the surrounding context and prevailing site conditions.
 - Drainage, water courses, trees, ecology, topography and also surrounding context have all taken precedent and informed the amount of development that can be achieved.
- Access
 - This would be provided be via the existing vehicular access with a spur off to three main parcels of the site (plots 1-4, plots 5-7 and plots 8-10) with these narrowing in width to reduce visual impact.
 - The access will not be adopted and would be transferred to a management company.
- Landscaping
 - A landscape masterplan has been provided which keeps defined borders and boundaries to a minimum
 - Reinstatement of historic field boundaries which are appropriate to the character of the area and wild flower meadows and grassland.
 - The proposed landscaping would contribute to enhancing the natural landscape.
 - Substantial native tree and hedge planting is proposed along the southern and northern boundaries of the site.
 - Buffer of semi-natural grassland to the ancient woodland on the western boundary would be provided together with tree planting clusters around the proposed dwellings
 - Hard landscaping would be minimal and low key in approach
 - Only ground sunken lighting is proposed

- Management company for remaining land to be managed in trust by residents to maintain public land.
- Drainage
 - Covered in the Flood Risk Assessment and Drainage Strategy provided by Herrington Consulted Limited.
- SUDs would be incorporated into the development
- A package treatment plant for foul sewage is proposed
- Plot design
 - The proposed development would still be of a density which delivers exclusive homes.
 - The design code sets out design parameters which would be adopted at reserved matters stage.
 - The dwellings would be grand in scale and structure.
 - Two storey format with none exceeding 10 metres in height
 - Varied roof form and timber framed design elements with large glazed sections
 - Parking would be accommodated on the private driveways
 - Double or triple garages are envisaged which provide domestic storage including for bikes and garden furniture
 - The dwellings would be energy efficient to Passivhaus standard
- Planning policy
 - Outlines the former policies of the now superseded Development Plan and that of the emerging development (at the time of submission).
 - Outlines the Council's consideration in the emerging Local Plan (at time of submission) for sites for exclusive homes.
 - NPPF requires wide choice of quality housing should be provided.

- Planning merits
 - Extant permission
 - Viability of current extant scheme
 - Inability of Council to demonstrate a 5 year housing land supply
 - Reduction in size of dwellings proposed
 - Support for rural businesses
 - Enhance the vitality of rural settlements
 - Outstanding and innovative design
 - Sustainability credentials
 - **Economic** objective through supporting the local economy; new investment into the Borough through housing for Captain's of Industry; and, support the existing business operating from the southern part of the wider leisure complex site
 - **Social** objective through provision of housing and inward investment from business people benefitting wider community
 - **Environmental** objective through enhancements to the site in terms of biodiversity and landscape improvements; no harm to heritage assets or flooding.
- Affordable housing provision is not required on the site given the exception circumstances.

Background Financial Analysis

- The family has two businesses: Ashford Golf Complex and Great Chart Leisure, and the golf course is being financially propped up by Great Chart Leisure.
- Both businesses are facing severe financial difficulty, with the possible closure of the golf course unless their debt burden (personal and bank loans and arrears) can be lifted and further capital investment made;

- The upkeep of the golf course became impossible to fund and as a result, its quality and standard has deteriorated, which has affected membership as since 2006, there has been a decline starting in golf course activity;
- The poor trading and current debt levels and arrears are not sustainable and restricts the ability of either business to raise any further capital;
- The golf course needs further investment to enable the addition of new activities to maintain and improve the leisure aspect of the site (including the provision of a crazy golf course and an adventure golf facility);
- Sale of the golf course would prove difficult and even if it did sell, it would not generate sufficient capital to make a huge difference to the overall debt position of the businesses; and,
- Further investment is needed on staff, the driving range, pitch/putt, footy golf and frisbee golf areas, the cafeteria, archery, corporate activity days, machinery and advertising.
- List of golf courses in the area: this shows there to be 7 golf courses in the borough and 4 outside, with the site's main competitor Kingsnorth Golf Course being 4.6 miles away.

Archaeological Desk-Based Assessment

14. This concludes that the site is within an area of low archaeological potential.

Flood Risk Assessment

15. Whilst the development should not be at significant risk of flooding, the site falls within Flood zone 1 and the primary risk of flooding is from surface water runoff. The underlying geology of the site is impermeable Wealden Clay formation and so the potential for rainfall to be infiltrated into the ground would be limited. Any rainfall in the surrounding catchment is likely to follow the natural contours of the land, where it would be intercepted by a number of drainage ditches across the site, which discharge towards the railway embankment to a large arched culvert underneath. The development should not increase flood risk elsewhere but flood resistance and resilience measures are proposed, including raising the threshold of the proposed dwellings by 150mm. The development would increase the percentage of impermeable area within the site and consequently increase the volume of surface water runoff discharged from the site - the most sustainable solution for managing runoff from the development is through the use of SUDS and mitigation measures to ensure that the rate of runoff discharged from the site is not increased.

Extended Phase 1 Habitat Survey

16. This outlines the proximity of the site to a Local Wildlife Site with ancient woodland which abuts the western boundary and recommends a buffer be provided between this and the development. The hedgerows bounding the site have the potential to be of value to protected species and should be retained, buffered and enhanced, with any loss compensated for through additional planting. Biodiversity gains could be achieved through enhancement, hedgerow restoration and/or improved management. No field signs of badgers on the site but the adjacent woodland may be utilised by foraging and dispersing badgers and as such, general precautionary techniques should be employed during construction.
17. Some trees on site were found to have 'low' or 'moderate' potential to support roosting bats and trees with roost potential should be retained and buffered from construction. The development would not result in any significant habitat loss and is unlikely to affect bats by disrupting their flight paths. Lighting associated with development may negatively impact on bats utilising the site or surrounding area without suitable mitigation and to minimise disturbance during construction, lighting should be kept to a minimum. Enhancements for bats can be made through the planting of species known to benefit bats, along with the erection of bat boxes to provide additional roosting opportunities.
18. The scattered tree and scrub habitat on the site provide some foraging and nesting opportunities for bird species with any loss of nesting bird habitat should be cleared outside of the nesting season and there is scope to provide habitat enhancements through the erection of bird boxes and the planting of native species.
19. Potential hazel dormouse habitat is present on site and any loss of scrub should be cleared under an ecological method statement.
20. A large meta-population of great crested newts were found on site and a mitigation strategy would be required to provide an enhancement to the site for the population post-development, with the retention of ponds, ditches and suitable terrestrial habitat surrounding these. A European Protected Species Licence (EPSL) from Natural England would be required, with an update survey carried out, exclusion fencing erected, and great crested newts trapped and translocated to a nearby receptor site. The proposed access track would go over a ditch to the north west of the site, which is suitable habitat for great crested newts with works here avoiding the ditch itself.
21. The development should include the creation of additional terrestrial refugia, the planting of vegetation in ponds and the enhancement of suitable habitat corridors linking ponds in the site through the planting of native flora species. The site has little suitable habitat for rare or notable invertebrates.

22. There are no field signs of hedgehogs, brown hare or harvest mouse, nor does the site provide suitable habitat for brown hare or harvest mouse, and whilst the perimeter of the site provides some suitable habitat for hedgehogs, this species would not be significantly impacted upon.
23. The site is largely unsuitable for reptiles but there is some limited suboptimal habitat adjacent and to guide a mitigation strategy, a presence/absence survey is required. The site may be enhanced for reptiles through the creation of additional foraging, dispersal and hibernation habitat.
24. No voles or signs of voles but the site has residual potential to support this species - as the majority of the pond and ditch network is to be retained, buffered and enhanced, it is considered unlikely that this species would be impacted.
25. Otter and white-clawed crayfish are considered likely to be absent from the site.

Great Crested Newt Survey

26. The impact of construction works would be temporary and on completion, the habitats lost would be reinstated with enhanced habitat and mitigation would be required under an EPSL.

Biodiversity Mitigation and Enhancement Plan

27. This outlines that the majority of hedgerow on the site is to be retained and protected with temporary protective fencing. The adjacent Local Wildlife site and ancient woodland should be buffered from the development through the instatement of a 15-20m planted buffer zone, comprising of native species and the erection of a temporary fence during construction. The pond and ditch network should be buffered from construction, with the instalment of great crested newt exclusion fencing. The pond and grassland area to the west of the site is to be used as the receptor site following the translocation of great crested newts and the terrestrial habitat surrounding the pond should be enhanced. There should be a precautionary construction techniques should be used in relation to badgers. Trees with roost potential for bats should be retained and buffered from construction. Lighting should be kept to a minimum during construction to minimise disturbance to foraging and commuting bats. Vegetation clearance should be undertaken outside of breeding bird season. Buffering of suitable habitat areas for dormouse should be undertaken. The network of ponds and ditches and surrounding grassland areas are to be retained and enhanced to maintain the favourable conservation status of great crested newts and an updated survey would be undertaken to inform an EPSL - once this has been approved, exclusion fencing would be erected and trapping take place, with great crested newts then moved to the receptor site;

28. A pond is to be created to the west of the site to compensate for one breeding pond being temporarily excluded during construction. Wildlife-friendly kerbing is to be installed. Suitable areas of reptile habitat should be subject to a presence/absence survey. Biodiversity enhancements should include appropriate landscape planting, over-sowing of grassland with wildflower seeds, the creation of three great crested newt hibernacula, the enhancement of the terrestrial habitat surrounding the network of ponds and ditches to provide increased foraging and dispersal opportunities, the fitting of bat boxes to mature trees along the edge of the site to provide additional roosting opportunities and within the development, planting of species known to benefit bats and bird boxes to be incorporated into the development to provide additional nesting opportunities.
29. Management actions should include minimum intervention management on hedgerows to ensure their biodiversity value is maintained post-development, the retention of existing grassland for great crested newts shall be enhanced through over-seeding with native wildflower species and managed to create areas of vegetation with structural diversity, annual inspections of the ponds on site, the planting of native tree and woody understorey species within the adjacent woodland, the use of any wood/brush from site maintenance to create habitat piles within the immediate proximity of ponds on the site and the annual clearing of old bird nests.

Planning History

12/00781/AS: Full planning permission granted on land adjacent to the existing access for 'New golf club house including changing facilities and groundman's store with accommodation for staff linked to the facility provided within the roofspace offering a two bedroom apartment – permitted 11/09/2012.

17/00469/AS: Hybrid Planning Application comprising:- A Full Application for the Erection of 1No. Dwelling with Associated Landscaping and Access and an Outline Application for the Erection of 6No. dwellings including detail relating to Access, Layout and Landscaping (Scale and Appearance as Reserved Matters) – permitted 30/10/2017.



Figure 5 - Consented scheme layout

Consultations

Ward Members: No comments have been received from either of the Ward Members for Weald Central Ward, Cllr Pickering and Cllr Mrs Blanford or from Cllr Mrs Bell for Upper Weald Ward.

Bethersden Parish Council: no comment

Hothfield Parish Council: no comment

Great Chart with Singleton Parish Council (adjacent to east of site): object until further comments received from Highway Authority and an update to the Flood Risk Assessment for the site to reflect the increased number of dwellings [HoP&D comment: the additional information has been submitted to the satisfaction of KH&T and KCC LLFA]

KCC Highways and Transportation: initial comments received with the following points made:

- The proposed dwellings compared to the trip generation of a 9 hole pay and display golf club does not result in cause for concern in terms of highway capacity.
- The access is located on a 60mph limit road, however, it is unlikely vehicles travel at this speed.
- Details of visibility splays will be required to be provided.
- Further information with regards the width of the vehicular access serving the site
- Details of vehicle turning within the site for a refuse vehicle

Upon the receipt of the additional information requested, the following points were made:

- The speed survey indicates a driven speed of 42mph in both directions.
- Additional visibility splays will be required to be provided
- The visibility splays required have not been demonstrated
- Amended visibility splays are required [**HoP&D comment:** no further information has been requested on the basis of the extant permission in place and the access arrangements being identical to those approved. This is outlined in more detail in the highway safety section of the report]

ABC Private Sector Housing: general comment received with respect to proposed executive housing and its location outside of the built confines of any town or village. The proposal would require the provision of 40% affordable housing to be provided on site. Given the nature and location of the development a commuted sum in this particular instance would not be unacceptable. Off-site provision of affordable housing through a commuted sum of £500,000 would go towards one affordable rented unit and three for affordable home ownership units.

KCC Flood & Water Management (LLFA): raise no objection in light of updated Flood Risk assessment submitted. Satisfied that the proposed development is away from areas of high risk of surface water flooding. The discharge rate proposed is acceptable. Additional information would be required at reserved matters stage regarding resilience for future climate change events and more detailed design details which can be subject to condition.

Southern Water: general comment received with the following points made:

- Consultation between EA and applicant will be required for disposal of sewage to sub-soil irrigation.
- SUDs will require confirmation of the responsibilities for maintenance, timeframe for implementation and provide details of management and maintenance plan for the development
- Surface water drainage is proposed via a watercourse, the Council's technical staff and other relevant authority for land drainage should comment on this aspect.

Environment Agency: no comment as falls outside of statutory remit

KCC Heritage: raise no objection subject to a condition for an archaeological field investigation and further investigation subject to the conclusion of those initial works.

KCC Biodiversity: raise no objection subject to conditions in light of the following:

- Sufficient buffer has been provided between the development and the Local Wildlife Site and Ancient Woodland provided
- Consider impact to GCN to be acceptable and likely that a licence from Natural England would be granted
- Sufficient mitigation measures outlined in respect of bats, dormice, breeding birds and reptiles.
- Updated surveys will be required to inform the final method statement which can be secured by condition.

Kent Wildlife Trust: general comment received stating that whilst no objection, additional detail and greater scope for improving habitat connectivity along the southern boundary of the site between two parcels of ancient woodland, Newlands and Bear's Lane Wood could be provided.

Natural England: general comment referring to Standing Advice

Environmental Services: no objection subject to conditions in respect of disposal of sewage and electric charging points for vehicles and several informatives regarding hours of construction and burning of waste on site.

Kent Fire and Rescue: general comment received requesting additional plans to confirm the details regarding access for fire appliances. [**HoP&D comment:** the proposed development would be subject to building regulations and sprinklers could be secured under this legislation should they be required]

KCC Developer Contributions: request contributions towards library stock for the mobile library service serving Great Chart. An informative is suggested with respect to the provision of High Speed Fibre Optic Broadband.

10 Neighbours consulted: no representations received

Planning Policy

30. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
31. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
32. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Local Plan to 2030

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP3 - Strategic Approach to economic Development

SP4 - Delivery of Retail and Leisure Needs

SP6 - Promoting High Quality Design

HOU1 – Affordable Housing

HOU5 - Residential windfall development in the countryside

HOU12 - Residential space standards internal

HOU14 – Accessibility standards

HOU15 - Private external open space

EMP2 - Loss or redevelopment of Employment Sites and Premises

EMP6 - Promotion of Fibre to the Premises (FTTP)

TRA3a - Parking Standards for Residential Development

TRA7 - The Road Network and Development

ENV1 - Biodiversity

ENV3a - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV7 - Water Efficiency

ENV9 - Sustainable Drainage

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011 (now external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Village Design Statements/Neighbourhood Plans

Bethersden Neighbourhood Plan (unadopted)

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Government Advice

National Planning Policy Framework (NPPF) 2019

33. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies

above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

34. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential dwelling; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
35. Paragraph 123 of the NPPF outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.
36. Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
37. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
38. Paragraph 170 states that the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services should be included in the decision making process.

39. Paragraph 189 outlines the requirement for applicants to submit a desk-based assessment and where necessary a field evaluation for sites where the proposal includes or has the potential to include, heritage assets with archaeological interest. Paragraphs 192-194 outlines the requirement to assess the impact of a proposed development on the significance of a designated heritage assets. It goes on to state:

great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

National Planning Policy Guidance (NPPG)

Assessment

40. The main issues for consideration in the determination of this application are:
- Principle
 - Visual amenity
 - Residential amenity
 - Parking & Highway safety
 - Ecology
 - Drainage
 - Trees
 - Archaeology
 - Affordable Housing

Principle

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraphs 2 and 11 of the NPPF state that planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

42. The proposal is not an allocated site in the development plan and is located outside of the built confines of a settlement identified under policy HOU5 which permits, subject to certain criteria windfall residential development close to or adjoining settlements listed under this policy. The site is located in the countryside over 2.5km from the nearest villages Hothfield and Pluckley and 4km from Great Chart, where the surrounding roads lack safe stopping places, footways/verges or lighting for pedestrian use and are poorly related to public transport links. The proposal therefore fails to comply with the first part of HOU5.
43. The second part of HOU5 outlines the exception criteria for dwellings elsewhere in the countryside (i.e. not close to or adjoining). These exception criteria mirror those set out under paragraph 79 of the NPPF as set out above. These include exceptions for a dwelling to house a rural worker, a re-use of a heritage asset, the re-use of a redundant building which results in an enhancement to the immediate setting, the subdivision of an existing dwelling or a dwelling of exceptional design quality. The proposed development would fail to comply with any of these exception criteria.
44. However, as outlined in the planning history section of this report, planning permission has been granted on the site in the form of a hybrid application for a total of 7 dwellings, 6 of which were granted outline planning permission with access, layout and landscaping being considered (scale and appearance were reserved for future consideration) and one dwelling house was subject to full planning permission. The permission remains extant and is therefore a material consideration that should be afforded considerable weight in the determination of this application. The Council permitted the application as a departure from the development plan on the basis that:
- The site represents developed land in that it has been re-contoured and partly surfaced as a golf course and as such is not undeveloped farmland.
 - There would be limited visual harm due to topography, existing and proposed planting and the 2 storey scale of the dwellings.
 - Taking into account existing traffic movements there would be little or no increase in traffic movements and thus no significant additional unsustainable journeys.
 - There would be a net benefit to bio-diversity.
45. These reasons equally apply to this application and as such the principle of residential development on the site can be considered acceptable.
46. The loss of the golf club has previously been accepted through the previous grant of planning permission. This situation remains unchanged given that this

permission could be carried out and it is noted that previously Golf England via Sport England raised no objection to the loss of the golf course on grounds that there was a good array of golf facilities within the Ashford area. The loss of the golf course is therefore considered acceptable.

Visual amenity

47. The site is located within the Dering Woodland Farmlands Low Weald Landscape Character Area. Landscape analysis set out within the Council's Landscape Character SPD states that the landscape here is moderately sensitive and in moderate condition and seeks to ensure that development conserves and reinforces the landscape character.
48. The existing golf course is manicured and has been subject to a re-grading of the land and therefore is not an agricultural/undeveloped site in the context of the surrounding landscape but it does sit comfortably within the wider rural setting/context. The site does have an undulating landform and strong tree cover with large blocks of woodland. A railway line cuts through the landscape, although this is not easily discernible within the woodland landscape along the southern boundary of the site. Built development in this location is sparse. Whilst there is an increase in density proposed, given the size of the site, the increase would not significantly alter the conclusion previously reached for the 7 dwellings approved for the site that the architectural influence from local traditional vernacular design (to be secured at the reserved matters stage in this instance) and robust and extensive landscaping would mean that the development would not appear incongruous in the landscape. Further it is proposed that the scale of development would be 2 storey and this can be secured by condition should planning permission be granted.
49. In light of the above, it is not considered that there would be no overriding harm to the landscape which would warrant refusal.

Residential amenity

50. Given the size of the dwellings proposed, it is considered that whilst the details of the scale and appearance are reserved for future consideration, the proposed dwellings would be able to comply with policy HOU12 in residential space standard requirements.
51. The density of development, as outlined in the principle section is increasing but sufficient space would remain between the dwellings on the site and prevent any potential amenity issues. It is not considered overlooking would occur given the spacious nature of the development (layout is for

consideration). The size of the plots would enable compliance with policy HOU15 to provide sufficient external amenity space for future occupiers.

52. There are no immediate neighbours to the site and as such there would be no loss of amenity to existing residents.
53. As a result, there would be no harm to residential amenity to existing occupiers of neighbouring dwellings or future occupiers of the proposed dwellings.

Parking & Highway safety

54. Sufficient visibility splays were provided for the extant planning permission (17/00469/AS) where it was considered the splays were sufficient at the existing vehicular access to serve the development of 7 dwellings. It was also considered that the rural road network had the capacity to accommodate the vehicle movements generated by the development.
55. KCC Highways have stated that greater visibility splays are now required under this application. The vehicular access is unaltered from the previously approved scheme. The increase in the number of units by 3 would not significantly alter the number of vehicle movements onto Bears Lane, which is a non-primary classified C-road. Furthermore, given the existing lawful use of the site, it is likely that this would have generated considerably more vehicle movements than the proposed use for 10 dwellings. As such I do not consider the request for greater visibility splays either reasonable or necessary.
56. There would be sufficient parking provided on site to enable compliance with policy TRA3a and laid out in accordance with the Council's Residential Parking SPD guidance to ensure sufficient on-site parking.
57. In addition, the width of the access track and internal road is sufficient to allow for access by emergency and refuse vehicles (full details of tracking and servicing have not been provided but I am satisfied that access to and turning within the site by a large refuse vehicle can be achieved and so this can be secured by condition).
58. In light of the above, I am satisfied that the proposed development would not result in unacceptable harm to highway safety.

Ecology

Protected species

59. A number of thorough and robust ecological reports were provided with the application, together with updated information following initial comments from KCC Biodiversity. A summary of the reports is set out earlier in the report. The scoping survey found a large population of GCNs on the site and an updated survey and appropriate mitigation involving the erection of exclusion fencing, the trapping of GCNs and their translocation to a nearby receptor site would be required under an application for a European Protected Species License (EPSL) from Natural England. A very detailed Biodiversity Mitigation and Enhancement Plan has also been submitted, which proposes to retain the population of GCNs on site through the creation of a new pond and grassland area (and the enhancement of this habitat), along with the protection of the existing pond and ditch network from construction with the instalment of exclusion fencing. In terms of other reptiles, there is some limited suboptimal habitat adjacent to the site and a presence/absence survey is required to guide any required mitigation strategy.
60. In addition, some trees and hedgerow on the site were found to have potential to support roosting bats and provide foraging and nesting opportunities for bird species and it is proposed for the majority of these to be retained (with any loss compensated for through additional planting) and protected from construction, along with planting known to benefit these species, the erection of bat/bird boxes on the site and vegetation clearance being undertaken outside of the breeding bird season. A number of precautionary measures and enhancements of suitable habitat area are also proposed in relation to reptiles, badgers, hazel dormouse, hedgehogs and voles.
61. The Conservation of Habitats and Species Regulations 2017 requires Ashford Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Ashford Borough Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three derogation tests when deciding whether to grant planning permission for the proposed development. The three tests are that:
- i. Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
 - ii. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.

iii. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

62. In respect of the first test, the proposed development would not constitute a form of development which would be considered to be of overriding public interest. The proposal does benefit from an extant permission, therefore, in considering it against the second test outlined above, there is no satisfactory alternative to the development in this location and therefore it is only the uplift of 3 dwellings on the site which is being considered.
63. In respect of maintaining the population at a favourable conservation status (test iii), KCC Biodiversity has raised no objection in this respect. This is acceptable and therefore it is likely that an EPS licence would be granted by Natural England for the development proposed.

Designated areas

64. The site is adjacent to Ancient woodland (part covered by a TPO) and a Local Wildlife Site. To ensure no harm to ancient woodland a 15-20m buffer is

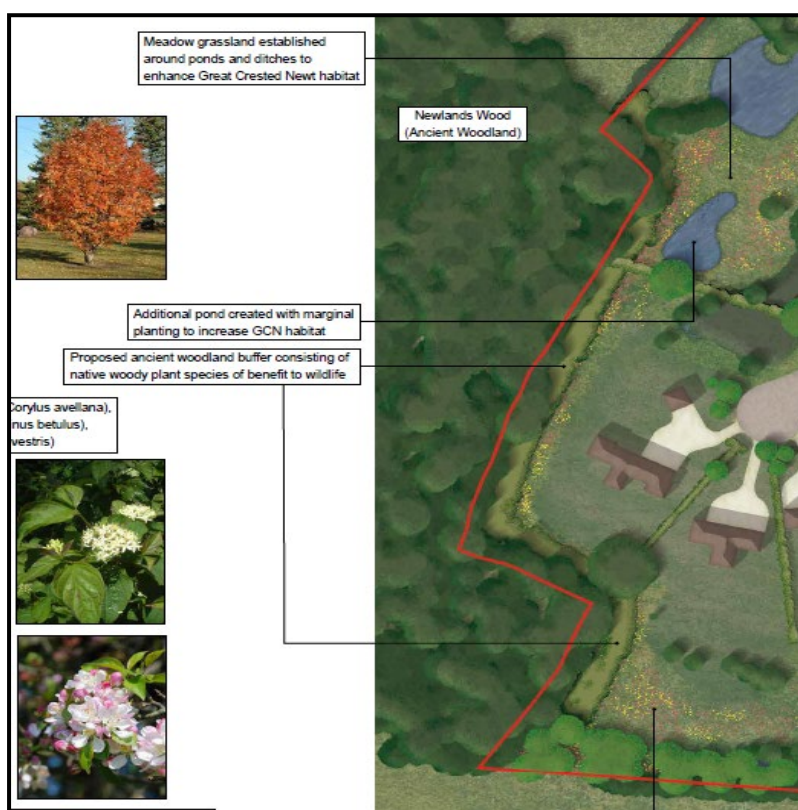


Figure 6 - Extract from Landscape Plan showing buffer zone with ancient woodland

required to safeguard this designated area and this is shown on the plans and shown in figure 6 below, which is an extract from the landscape plan provided. This buffer will protect both the ancient woodland and LWS from development and recreational pressure and ensure neither are adversely affected. It will also ensure no development takes place in the root protection area of this woodland which in part is covered by a TPO.

65. KCC Biodiversity, KWT & NE are satisfied with the information provided and consider the development to have potential to provide net gains for biodiversity and not adversely impact on protected species and their habitat or the designated LWS and ancient woodland. Consequently there are no matters of ecological interest that would warrant refusal subject to the imposition of conditions.

Drainage

66. The site lies outside Floodzones 2 and 3 but the geology is Wealden clay, characterised as slowly permeable seasonally wet sand, silt and clay soils with impeded drainage. The only flood risk relates to surface water and the development would result in a greater impermeable area than existing. Existing drainage ditches and ponds are to be retained and the risk can be managed through driveways being designed with permeable paving to provide attenuation for surface water run-off, along with SUDS elements to store and convey water runoff through the development to the surrounding drainage network at a controlled rate. The flood risk management measures recommended would also help manage this risk. The KCC as LLFA requests further details by condition, therefore I am satisfied that the surface water drainage strategy is suitable, feasible and would comply with Local Plan policy ENV9 and the Council's SUDs SPD.

Trees

67. It is clear that the trees and hedgerow bounding the site are of amenity value, as well as of value to notable/protected species as noted earlier in the Ecology section of this report. The Landscape Masterplan submitted shows majority of these to be retained and enhanced through native planting, restoration and improved management and would be protected during construction with temporary protective fencing. Some trees within the golf course would be lost to facilitate the development, however these are of limited amenity value. Furthermore, the open areas to be retained provide opportunities to enhance landscaping and would be planted with wildflower seeds. In addition, the required visibility splays from the access would be able to be accommodated without the removal of any hedgerow. Subject to conditions for tree protection and landscaping, I consider that the development would not be harmful to existing trees and hedgerow of significant amenity value.

Archaeology

68. Whilst the site does not fall within an area of archaeology or archaeological potential, an Archaeological Desk-Based Assessment was submitted and this found there to be a general low potential for archaeology on the site. KCC Heritage agree with this conclusion and recommend a condition for an archaeological field evaluation be attached to any permission granted. Subject to this, I consider that the development would not have an adverse impact on the archaeological interest of the site.

Affordable Housing

69. The extant permission for the site for 7 dwellings did not trigger the requirement for the provision of on-site affordable housing. At the time of determination, the scheme fell below the threshold for any such provision on-site. Central government guidance changes contained within the NPPF, together with the adoption of the Ashford Local Plan, now require such provision on sites of 10 dwellings or more (and on sites of 0.5 hectares or more). This is outlined under policy HOU1.
70. Affordable housing provision should be provided on-site, in accordance with this policy but as outlined under paragraph 6.12 of the Local Plan, off-site provision can be provided in the form of a commuted payment where on site provision is not possible or appropriate and subject to providing sufficient justification.
71. As outlined under the principle section of this report, the proposed development is not located within the built up confines or close to or adjoining any recognised settlement. The proposed development comprises large, detached executive homes which are not ordinarily considered to be affordable. Whilst there is scope to provide affordable housing on site, this would likely be out of context with the nature of the development proposal. Whilst this is a clear departure from the development plan and central government guidance, a payment in lieu contribution towards off-site provision would comply with HOU1 paragraph 2 in so far as there would be provision of an off-site financial contribution in lieu of affordable housing provision on site, to secure equivalent provision of affordable housing provision.
72. The Council's Housing section has commented on the application and is in agreement that given these scheme is based upon the provision of executive housing and the location is a considerable distance from the built up confines of any town or village that a commuted sum in this particular instance would be more appropriate and an acceptable way forward. The advice from the Council's independent viability consultants with regards to the provision of off-site provision of affordable housing through a commuted sum has concluded

that four units would be required, one for affordable rent and three for affordable home ownership. A figure of just over £500,000 has been calculated on the based local housing allowance rental rates for the rented unit.

73. In light of the extant permission on the site, for which no affordable housing contributions could be sought at the time of determination and given this would provide the Council with a commuted sum of just over £0.5m towards 4 units elsewhere within the Borough this is a material consideration that weighs heavily in favour of this application.

Planning Obligations

74. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
75. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider:
- they are all necessary to deliver the requirements of HOU1, para 2;
 - the methodology used by the Council's independent viability consultant to calculate the payment in lieu of on-site provision is sound;
 - the proposed payment in lieu delivers the requirements of HOU1 for the Rest of Borough (Zone C) through the proposed onward spend on 1 affordable rent unit and 3 shared ownership units off-site.

The proposed obligations may be relied upon as a reason to grant planning permission in this case.

Table 1

Applies to sites of 10 dwellings or more or 0.5ha or over				
Page 153	<u>Affordable Housing</u>			
	<p><i>Applies to:</i> (i) <i>developments of 10 dwellings or more</i> (ii) <i>residential sites of 0.5 ha or more</i></p> <p>In accordance with table within Policy HOU1</p>	<p>Commuted sum of £504,754 Towards off-site provision of:</p> <p>1 affordable rent unit</p> <p>3 shared ownership units</p> <p>(indicative if outline)</p>	<p>Affordable housing contribution to be paid prior to occupation of 75% dwellings on site.</p>	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related the payment in lieu relates to the value of the equivalent on-site requirements for a scheme in the rest of the Borough (Zone C) 10% Affordable Rent or 1 Affordable rent and 30% or 3 shared ownership units as affordable housing provided off-site.</p> <p>Fairly and reasonably related in scale and kind based on the IHA rent for equivalent on site provision of 1 affordable rented unit and based on the average value of a 4-bed house in an estate location for the 3 shared ownership units.</p>

Applies to all				
	<u>Monitoring Fee</u>			
	<i>Applies in all cases</i>	£1,000 one-	First payment	Necessary in order to ensure the planning obligations are complied with.

	Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	off payment	upon commencement of development.	<p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
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Human Rights Issues

76. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

77. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

78. The proposal fails to accord with the whole of the development plan in so far as the site is a departure from policy HOU5. However, an extant permission for the development of the site for 7 dwellings exists and the material considerations that justified this decision remain equally as relevant to this application. The extant permission and these material considerations should be given significant weight.
79. The proposal would fail to provide affordable housing on-site, as required under policy HOU1. As outlined in the affordable housing section of this report, on-site provision given the isolation of the site and the context of the development of executive homes, would not be appropriate. Given that affordable housing can be provided off-site in a more sustainable location to the satisfaction of the Council’s Housing Section.
80. The proposed development would comply with the development plan in respect of the visual impact, residential amenity for existing and future occupiers, ecology, trees and hedgerow retention, highway safety and parking, surface water drainage and flooding, archaeology subject to conditions. Consequently I consider that there are material considerations in this particular instance that again justify a departure from the development plan where there is conflict with this application and I recommend that outline planning permission is granted.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1, in terms agreeable to the Head of Planning and Development or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Planning and Development or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(B) Permit

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application
3. Development carried out in accordance with the approved plans
4. Enforcement condition

Highways/Parking

5. Parking
6. Details of the provision cycle parking facilities
7. Road way details and provision to include refuse tracking
8. Construction Management Plan
9. Visibility splays

Landscaping and Ecology

10. Biodiversity Method Statement
11. Ecological Design Strategy
12. External lighting Design
13. Landscape management plan
14. Details of landscape buffer to LWS and Ancient woodland
15. Boundary treatments
16. Protection and Retention of trees & hedgerows shown to be retained

Drainage/Foul Water

17. SUDs scheme
18. Verification of SUDs scheme implementation
19. Means of foul water disposal

Residential

20. Dwellings to be two storey storey scale and form
21. Space Standards – internal and external pursuant to policies HOU12 and HOU15.
22. Accessibility standards for all new houses to HOU14 Part A.
23. Refuse storage details
24. Electric car charging points
25. Water efficiency condition pursuant to policy ENV7
26. Provision of water butt to each dwelling
27. Dwellings used for C3 purposes only
28. Removal of PD rights

Archaeology

29. Archaeological field evaluation

Other

30. Existing and Proposed level details
Architectural details
31. Broadband

Note to Applicant

1. S106
2. Working with the Applicant
3. Ecology
4. Highways
5. Broadband
6. Environment Agency consents
7. Construction working hours
8. Burning of waste

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 18/01592/AS)

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